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**ENVIRONMENTAL ASSESSMENT  
and  
Section 4(f) Evaluation  
for  
NH 57-3(30) 70  
Lewistown - West Overpass  
(P.M.S. Control #4066)  
in  
Fergus County, Montana**

This document is prepared in conformance with the Montana Environmental Policy Act (MEPA) requirements and contains the information required for an Environmental Assessment under the provisions of ARM 18.2.237(2) and 18.2.239. It is also prepared in conformance with National Environmental Policy Act (NEPA) requirements for an Environmental Assessment under 23 CFR 771.119, and Section 4(f) of the U.S. Department of Transportation Act under 23 CFR 771.135.

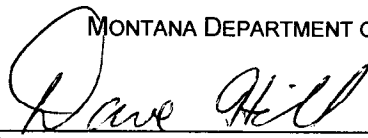
Submitted pursuant to 42 U.S.C. 4332(2)(c), 49 U.S.C. 303, Sections 75-1-201 & 2-3-104, M.C.A., and Executive Orders 11990, 11988, and 12898, by the

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION

AND THE

MONTANA DEPARTMENT OF TRANSPORTATION

Submitted by:



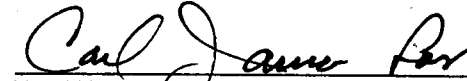
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## EA SUMMARY

MDT nominated a portion of Montana Highway 200 (US 87) west of Lewistown for reconstruction. That "Lewistown – West" project was originally approximately 17.7 km (11.0 mi) in length from RP 70.00 to RP 80.96 (just east of Airport Road in Lewistown). Since the project was nominated, the City of Lewistown and the Burlington Northern Santa Fe (BNSF) Railroad initiated discussions to consider options associated with the potential termination of rail service along the existing rail line from the airport area, to the east, and through Lewistown. Closure and removal of this portion of the rail line would in turn eliminate the need for the overpass on the west side of Lewistown.

Due to the distinct differences between the rural reconstruction of the western portion of the overall Lewistown-West project and the increasingly urban section east of the railroad overpass, MDT split the project into two separate projects for analysis and subsequent funding and construction in July 2000. These two projects have distinct and logical termini, and have independent utility for the purposes of independent project development and NEPA compliance. The urban section of the project (Lewistown – West Overpass) is the subject of this Environmental Assessment (EA) and extends from approximately RP 79.0 to RP 80.96.

The proposed action has three parts:

- Redesign and reconstruction of the intersection of US 87 and the truck bypass west of Lewistown;
- Improvement of US 87 to a three-lane section between the truck bypass and Airport Road, with realignment of minor intersecting roadways; and
- Redesign and reconstruction of the intersection of US 87 and Airport Road on the western edge of Lewistown.

In addition, an access management plan is being proposed along US 87 between the truck bypass and Airport Road. This includes identification of consolidated access points and early planning for a frontage road system.

The western project limit lies on US 87 at approximately the truck bypass, and the project extends approximately 3.2 km (2.0 mi) to the eastern limit near the Airport Road intersection.

The proposed project would reconstruct this portion of US 87 to include a typical section width of 12 m (40 ft), consisting of two 3.6 m (12.0 ft) travel lanes and two 2.4 m (8.0 ft) shoulders. The existing road width ranges from 7.3 m to 8.5 m (24 ft to 28 ft).

The BNSF railroad overpass (RP 79.47) is a 7.32 m (24 ft) wide concrete structure constructed in 1936. According to a January 2002 bridge inspection, this structure is functionally obsolete, and eligible for replacement.

The scope of the proposed project was originally dependent upon whether the BNSF was to continue service into Lewistown along their existing line. Since initiation of the EA, BNSF has announced its intention to end its rail service from Moore to Lewistown and has identified the

line for possible abandonment on its System Diagram Map. This is the required first step in the abandonment process; however, the abandonment process can take several years and requires formal approval from the Surface Transportation Board (STB). BNSF has not filed any other abandonment documents with the STB, and it is unlikely that a formal decision will be reached before the environmental analysis for roadway reconstruction is complete. If BNSF eliminates service on this line and no other operator takes over the service, it would essentially eliminate the need to replace the existing overpass structure.

Elimination of the rail crossing structure would preclude future opportunities for either BNSF or a short line rail operator to provide service directly into Lewistown from the west. In the interest of facilitating rail service to the Lewistown area, MDT explored the option of utilizing some of the funding identified for the new structure (which will be saved if rail service is terminated) for use in transportation-related improvements associated with this proposed action. This intention has been outlined in an Agreement between the City of Lewistown, Fergus County, and MDT, and is contingent upon the BNSF eliminating service on this line.

A total of eight conceptual design alternatives were initially developed to address concerns with the existing intersection geometry, traffic accident history, and operational characteristics of the existing facility. Community input was solicited from area stakeholders, elected officials, local businesses in the project area, the school district, and the hospital.

The eight alternatives were presented at a public meeting held in Lewistown in March 2002. These alternatives included four intersection reconfiguration concepts at the truck bypass junction, three of which assumed rail service would be terminated and the line removed, and one was developed to accommodate continued rail service into Lewistown. A three-lane section and Access Management concept was developed for the area generally between the truck bypass junction and Airport Road. Three other alternatives were developed to improve the Airport Road intersection.

The screening of these alternatives was based largely on the discussion at the public meeting and the strong preferences expressed by those present. The Preferred Alternative consists of the following elements:

#### ***Bypass Junction – Alternative 2***

Alternative 2 provides the eastbound bypass traffic with an unrestricted movement from US 87 to the northeast on the bypass. Figure 2-1 illustrates this alternative. As shown, eastbound US 87 traffic destined for Lewistown would utilize a direct, one-way connection via the continuous right lane. US 87 westbound traffic is directed to a “T” intersection with the truck bypass, and would make a left turn onto the bypass which would flow into US 87 westbound near the Western Aire drive-in. This alternative reduces the number of conflict points and provides more desirable separation between the access points. The separation between the conflict points at the drive-in and the new bypass intersection would be increased by approximately 400 m (1,312 ft).

Signing enhancements at the intersection identifying “Business Route” and “Truck Bypass” would delineate the appropriate direction for motorists well in advance of the intersection, and avoid any driver confusion at the decision point. The signage would provide clear direction to motorists that intend to travel into the Lewistown business district.

### ***Three-Lane Section and Access Management Concept***

A basic three-lane section (two through lanes with a center, two-way, left-turn lane) is proposed for the portion of US 87 from the truck bypass junction to the intersection at Airport Road. This improvement alone would provide immediate benefits to the flow of traffic; however, to fully realize the operational and safety benefits of the three-lane section, access management must be considered as an integral part of any improvements in this corridor. This access management concept was presented at the March 2002 public meeting and built upon existing key access locations in an attempt to retain the spacing already established along the corridor. By defining side street and driveway locations, random and uncontrolled access to the highway is eliminated. Vehicles traveling along US 87 have a better sense of where entering vehicles will approach, thus reducing the distraction associated with “scanning” along the edge of the roadway where vehicles may suddenly appear and access the highway.

The purpose of access management is to improve safety, preserve function and mobility, and manage existing and future access in a consistent manner. Access Management is the coordination of individual access needs with those of the transportation system to ensure efficient traffic operations while accommodating the access needs of the community.

### ***Airport Road – Alternative C***

Figure 2-4 illustrates this alternative providing the benefit of consolidation and system continuity by aligning Entrance Avenue and Airport Road, which are now offset. Airport Road would be shifted to the east to align with Entrance Avenue under this alternative. It provides direct movement from Airport Road to Entrance Avenue, which would be a substantial improvement for school buses, and provides greater separation between North Airport Road and US 87 to provide even more vehicle storage when compared to Alternative A.

A cul-de-sac terminating Wunderlin Street at Entrance Avenue is provided, and results in a more “standard” intersection configuration at Airport Road and Entrance Avenue. The cul-de-sac would also reduce the potential for driver confusion.

While this alternative seeks the benefit of a direct through-movement, it perpetuates an undesirable intersection skew angle. Additionally, a 9 m to 12 m (30 ft to 40 ft) fill slope across the coulee generates the greatest impact of the Airport Road alternatives and would require additional right-of-way.

Impacts from the proposed project and proposed mitigation measures are provided in the following table.

### Summary of Impacts and Mitigation

Issue	Impact	Mitigation
Land Use/ Right-of-Way	No land use changes anticipated. A total of 7.12 hectares (17.58 acres) of new right-of-way required.	None required.
Farmlands	No impacts.	None required.
Social	No impacts.	None required.
Economic	No impacts.	None required.
Pedestrians and Bicyclists	No impacts.	None required.
Air Quality	No impacts.	None required.
Noise	No impacts.	None required.
Water Quality	Increased surface area resulting in increased rate and quantity of runoff. Implementation of BMPs would likely result in overall water quality improvement.	Implementation of engineering controls such as grading, revegetation, design of culverts/ditches, and use of Best Management Practices. A MPDES SWPPP will also be required.
Wetlands	A total of approximately 0.36 hectares (0.88 acres) of Category III wetlands would be impacted.	Wetland impacts will be mitigated on site if possible, or at an approved, off-site mitigation reserve within the same watershed.
Waterbodies, Wildlife Resources, and Habitat	No long term impacts.	Revegetation of areas disturbed by construction of the project, and compliance with the Fergus County Noxious Weed Management Plan.
Floodplains	No impacts.	None required.
Threatened & Endangered Species	No effect to Bald Eagle, Mountain Plover, or Black-tailed Prairie Dog.	None required.
Cultural/Archaeological/ Historic Resources	Adverse Effect to the historic Milwaukee Road Overpass structure.	MDT proposes to contribute \$5,000.00 to the Montana Historical Society Press to help fund a planned publication on Montana's historic bridges.
Hazardous Waste	Potential to encounter hazardous materials from LUSTs and USTs located near the project.	MDT will monitor these potential sites during construction. If encountered, contaminated soils will be disposed of in accordance with guidance and approvals obtained from MDEQ and Fergus County, which are decided on a case-by-case basis.
Visual	The project will result in elimination of the overpass, substantial fill areas, and new approach roadways.	Common revegetation practices will be employed to address visual impacts.
Construction Impacts	These impacts will be short term and temporary.	BMPs will be employed to address construction impacts.
Cumulative Impacts	No substantive cumulative impacts are anticipated.	None required.
Section 4(f)	Impact to the Milwaukee Road Overpass structure.	MDT has coordinated with SHPO.

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## List of Technical Reports

1. Lewistown-West Overpass Noise Analysis (Big Sky Acoustics, 2002)
2. Initial Site Assessment Lewistown-West Overpass (Hyalite Environmental, 2002)
3. Preliminary Threatened and Endangered Species, and Biological Resources Report, Lewistown-West Overpass Project (MDT, 2000)
4. A Cultural Resource Inventory of the Proposed Lewistown-West Overpass Project Fergus County, Montana (Renewable Technologies, Inc., 2002)

**Note:** *Copies of Technical Reports are available for review from MDT.*

*Please contact Environmental Services at (406) 444-7228 to request more information.*

## Metric Conversion/Abbreviations and Acronyms

All Montana Department of Transportation plans are currently prepared in metric units. This document, where appropriate, will reflect both English and metric units side by side to assist the reader. The metric unit is shown first, followed by the English unit in parentheses. For example: 13.7 km (8.5 mi). The following shows the conversion factors and units used in this document:

<u>Metric Units</u>	<u>English Units</u>	<u>Conversion Factor (Metric to English)</u>
Centimeter (cm)	inch (in)	0.3937
Meter (m)	foot (ft)	3.2808
Kilometer (km)	mile (mi)	0.6214
Hectare (ha)	acre (ac)	2.471

## Abbreviations and Acronyms

±	.....	Approximately
ac	.....	acre(s)
ACHP	.....	Advisory Council on Historic Preservation
BLM	.....	Bureau of Land Management
BRR	.....	Biological Resource Report
CADD	.....	Computer Aided Design and Drafting
cm	.....	centimeter(s)
COE	.....	U.S. Army Corps of Engineers
DEQ	.....	Department of Environmental Quality
DNRC	.....	Department of Natural Resources and Conservation
EA	.....	Environmental Assessment
EO	.....	Element Occurrence
ESA	.....	Endangered Species Act
ft	.....	foot (feet)
ha	.....	hectare(s)
Hwy	.....	Highway(s)
in	.....	inch(es)
km	.....	kilometers(s)
m	.....	meter(s)
mi	.....	mile(s)
MDEQ	.....	Montana Department of Environmental Quality
MDT	.....	Montana Department of Transportation
MFWP	.....	Montana Fish, Wildlife, and Parks
MNHP	.....	Montana Natural Heritage Program
MPDES	.....	Montana Pollution Discharge Elimination System
MRIS	.....	Montana Rivers Information System
NRCS	.....	Natural Resources Conservation Service
NRHP	.....	National Register of Historic Places
SHPO	.....	State Historic Preservation Office
T/E	.....	Threatened and Endangered
USFS	.....	United States Forest Service
USFWS	.....	United States Fish and Wildlife Service
USGS	.....	United States Geological Survey



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## **1.0 PURPOSE OF AND NEED FOR THE PROPOSED ACTION**

### **1.1 Project History**

MDT nominated a portion of Montana Highway 200 (US 87) west of Lewistown for reconstruction. That "Lewistown – West" project was originally approximately 17.7 km (11.0 mi) in length from RP 70.00 to RP 80.96 (just east of Airport Road in Lewistown). Since the project was nominated, the City of Lewistown and the Burlington Northern Santa Fe (BNSF) Railroad initiated discussions to consider options associated with the potential termination of rail service along the existing rail line from the airport area, to the east, and through Lewistown. Closure and removal of this portion of the rail line would in turn eliminate the need for the overpass on the west side of Lewistown.

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### **1.2 Proposed Action**

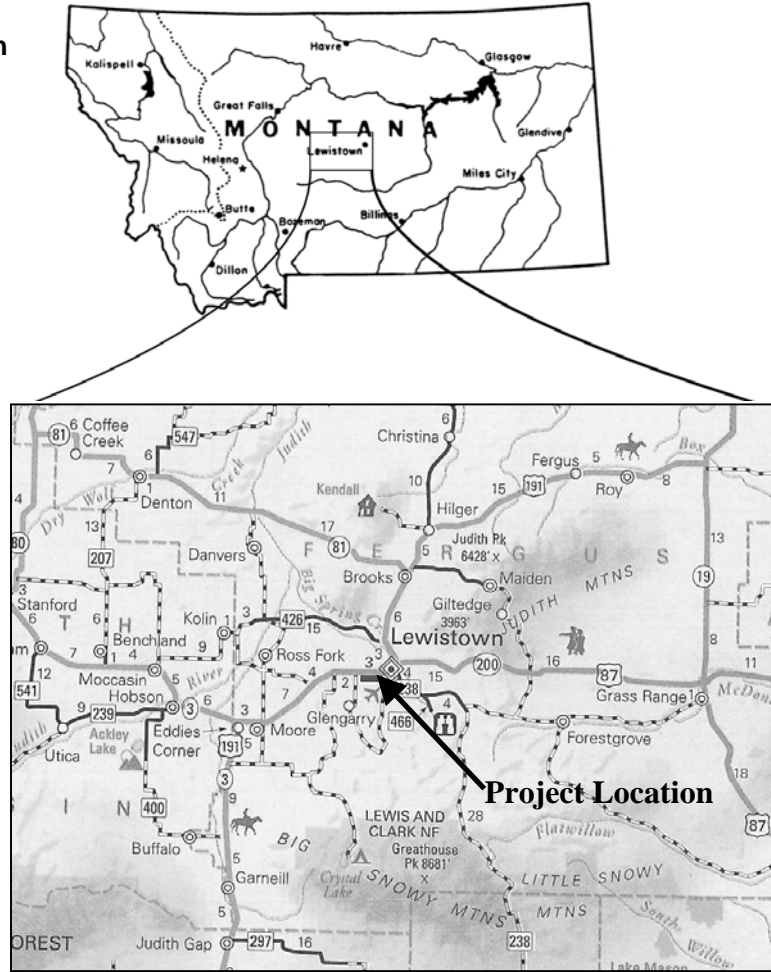
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- Redesign and reconstruction of the intersection of US 87 and the truck bypass west of Lewistown;
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- Redesign and reconstruction of the intersection of US 87 and Airport Road on the western edge of Lewistown.

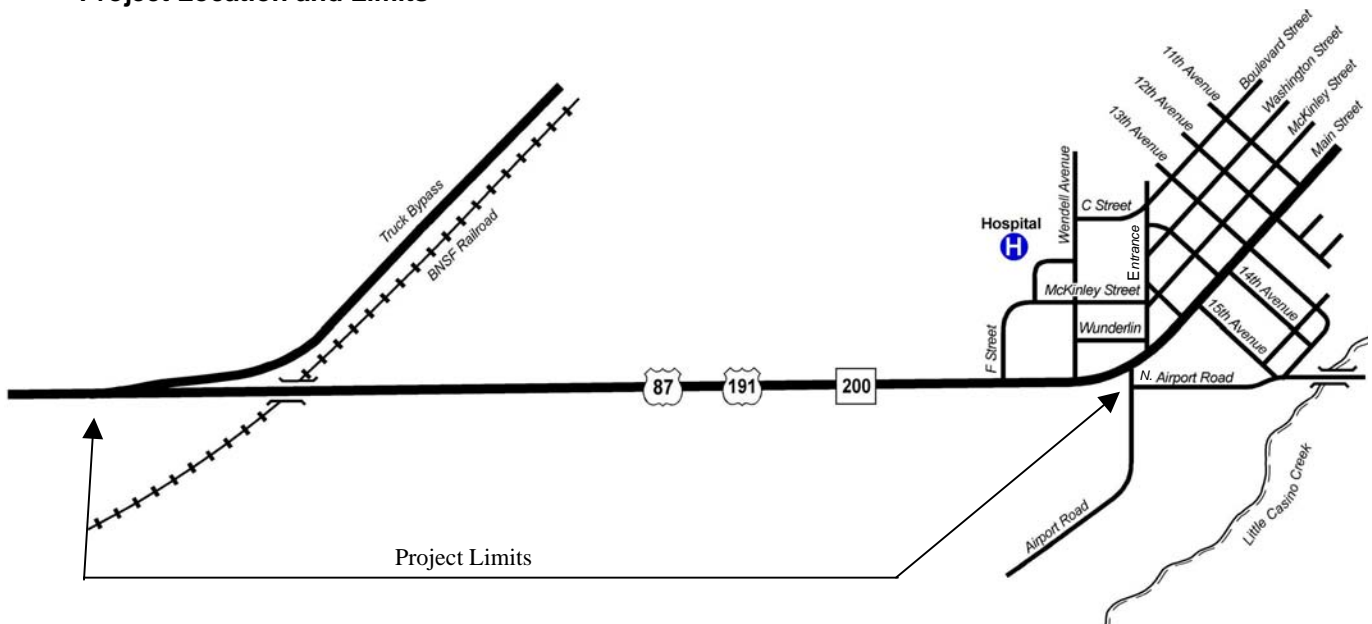
In addition, an access management plan is being proposed along US 87 between the truck bypass and Airport Road. This includes identification of consolidated access points and early planning for a frontage road system.

The western project limit lies on US 87 at approximately the truck bypass, and the project extends approximately 4.0 km (2.5 mi) to the eastern limit near the Airport Road intersection. Figure 1-1 illustrates the general project area; Figure 1-2 illustrates the project limits in the Lewistown area.

**Figure 1-1  
General Project Location**



**Figure 1-2  
Project Location and Limits**



### 1.3 Project Area Description

The proposed project is located in central Montana, in Fergus County, within the following legal description:

<u>Township</u>	<u>Range</u>	<u>Section(s)</u>
15N	18E	15, 16, 17, 20, 21, and 22

The western project terminus is generally associated with the truck bypass junction west of Lewistown. The proposed project extends easterly for 4.0 km (2.5 mi) to the western edge of Lewistown. The eastern project terminus is generally associated with the US 87 / Airport Road intersection.

This portion of US 87 was constructed in 1947 under project FAP-B(4), was oiled and paved by 1954. The roadway was widened, side slopes were flattened, and the highway received an overlay in 1986. In 1990, the project from RP 80.858 to 80.956 was widened to tie in with the City of Lewistown.

The existing roadway along the central portion of the project area consists of two 3.6 m (12 ft) lanes, with 0.6 m (2.0 ft) shoulders on each side. With the exception of the overpass, the roadway traverses level terrain. The proposed project lies in a transitional area between a rural and urban setting. Accordingly, the speed limit varies from a 110 km/h (70 mph) west of the bypass intersection to 55 km/h (35 mph) immediately west of the Airport Road intersection. There are numerous approaches on the north side of US 87 serving retail and commercial land uses from the bypass to Airport Road.

### 1.4 Purpose of the Proposed Action

The purpose of the proposed action is to reconstruct and widen US 87 to provide a facility that will accommodate the increasingly urban character of this portion of the route. By providing an updated facility that is more consistent with current design standards, this proposed project is intended to improve traffic operation and safety along this portion of US 87.

The Route Segment Plan identifies US 87 as a rural principal arterial on the National Highway System (NHS). The Route Segment Plan serves as a guide for future roadway improvement projects based on current and projected travel demand. The Plan provides the basis for prioritizing projects and planning future investments to maintain the overall integrity of the state highway system.

The Route Segment Plan identifies a typical section width of 12 m (40 ft) for this portion of US 87, consisting of two 3.6 m (12.0 ft) travel lanes and two 2.4 m (8.0 ft) shoulders. The existing road width ranges from 7.3 m to 8.5 m (24 ft to 28 ft). Where shoulders are provided in the project area, they are typically only 0.6 m (2.0 ft) wide. The proposed action would provide travel lanes and shoulder widths consistent with the Route Segment Plan; however, the proposed project also includes a center left turn lane to provide additional safety enhancements.

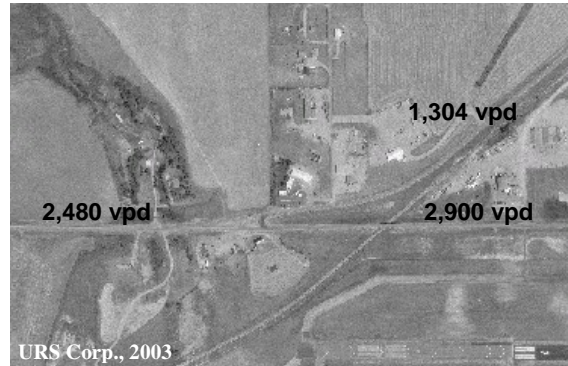
## 1.5 Need for the Proposed Action

The function of an NHS facility is to provide for the safe and efficient movement of people, goods, and services. Current geometric elements along this portion of US 87 are not consistent with current NHS standards.

### Traffic Operation

According to MDT project data, the existing average daily traffic (ADT) is 2,480 vehicles per day on US 87 west of the US 87/truck bypass intersection. The 2020 Design Year ADT is estimated to be 3,700 vehicles per day (vpd). Traffic data collected as part of the *Lewistown Bypass Feasibility Study* (URS Corp., 2001) indicates that truck volume on US 87 west of the existing bypass is 10 percent of total traffic. The bypass carries smaller amounts of traffic than the highway, but it carries a substantial portion (76 percent) of the large trucks entering and exiting Lewistown. Truck percentages on the bypass are 19 percent of total traffic. The Level of Service (LOS) analysis conducted for this project found the existing configuration to continue to operate at LOS A by the year 2020.

Figure 1-3  
Existing Traffic Volumes



Eastbound trucks on US 87 diverge northeasterly onto the truck bypass. This divergence requires the eastbound bypass traffic to cross the opposing US 87 westbound lane, both of which are typically traveling at fairly high speeds (typically in excess of 90 km/hr [55 mph]). There is no dedicated left turn lane for eastbound traffic to wait and access the bypass safely when there is opposing westbound traffic. There is a short buttonhook connection between the two main legs of the intersection that serves out-of-direction traffic (i.e. southbound to eastbound, and westbound to northbound vehicles). The approach serving the Western Aire drive-in theater, Kitch's Cheese Mart, and the Hackamore Supper Club is located just east of US 87 / bypass junction, complicating the bypass junction area with additional access/traffic conflict points. The horizontal configuration of the two major roadways is further complicated by the limited sight distance along US 87 resulting from the overpass crossing of the BNSF Railroad.

There are numerous access points found along US 87 between the overpass and Airport Road that serve retail and commercial businesses. Multiple access points situated along a high speed roadway potentially impede traffic flow, and national studies have directly linked accident rates and access density. Provision of turn lanes and/or an access management plan is essential to the improvement of traffic operations in this corridor.

At the intersection of US 87 and Airport Road, US 87 runs east/west and Airport Road connects into US 87 from the south, at a skew angle measuring 28 degrees. Entrance Avenue connects into US 87 at a similar skew angle from the north, but is offset from Airport Road by 45 m (150 ft) to the east. The resulting configuration of offset intersecting streets is undesirable, particularly in this case since a vehicle traveling on a north/south route in this area must enter US 87 and wait in the roadway for a gap in opposing traffic in order to make the left turn onto Entrance Avenue, or conversely from Entrance to Airport Road. In addition to the offset

north/south roadways, Wunderlin Street intersects Entrance Avenue in close proximity to US 87, creating a three-way junction between US 87 and two intersecting side roads.

School buses have a difficult time negotiating the steeply banked roadway at the US 87/Airport Road intersection during periods of bad weather. Due to the super-elevation of the road, bus spinouts have occurred at this intersection. Bus drivers (whose destination is the junior high school) change their travel route during inclement weather because of this problem. Normally, school buses destined for the junior high school will exit Airport Road eastbound onto US 87 and make a left turn onto Entrance Road. During inclement weather, the school buses travel out-of-direction, exiting Airport Road westbound and turning right onto Wendell Avenue. Also, because of the intersection skew between Entrance Avenue and Airport Road, the turning angle does not favor northbound-to-westbound, or eastbound-to-southbound turning movements.

The intersection of US 87 and Airport Road currently has an eastbound right turn lane and a westbound left turn lane. Airport Road connects to US 87 on a curve with a substantial super-elevation, and at a slight skew to US 87 (less than 90 degrees). Airport Road serves an MDT maintenance yard, the local school district bus barn, several government facilities, and airport facilities. North Airport Road connects to Airport Road approximately 60 m (200 ft) south of the US 87/Airport Road intersection and serves the southeast portion of Lewistown proper. There is also a westbound right turn lane on US 87 serving access to the north of the Airport Road intersection. This right turn lane terminates at Wendell Avenue and serves to separate hospital traffic during shift changes from through traffic. The hospital is a major employment center for the town and a substantial amount of traffic uses this intersection on a daily basis. The hospital staff has 12-hour shifts for medical staff and 8-hour shifts for administrative and support staff. There are approximately 325 full-time employees at the hospital. The majority of employee traffic accesses the hospital via US 87 and Boulevard Avenue from Lewistown. Emergency vehicles prefer using Boulevard Avenue, because of the smaller volume of traffic and the absence of traffic signals, but also use US 87 via Wendell Avenue and F Street depending on their origin to or destination from the hospital.

### **Safety Concerns**

An accident cluster between RP 79.0 to RP 79.8 was identified in the 1990 to 1992, and 1995 Safety Engineering Improvement Program (SEIP) reports. This SEIP report encompasses the US 87/bypass junction and railroad overpass. Accident history was also collected as part of the speed zone study performed by MDT from January 1, 1997 to December 31, 1999. The study identified two angle accidents and one head-on accident at the US 87/bypass intersection in that three-year period.

In addition, a site review was conducted at the truck bypass intersection to observe operational characteristics under normal traffic flow. As expected, a high percentage of truck traffic was noticeably present, and the movements of these vehicles were carefully observed. In one case, a semi-truck was traveling westbound along the truck bypass and make the sharp left-turn back onto US 87 eastbound toward town. This particular movement was noted primarily from the standpoint of the truck's exposure to oncoming westbound US 87 traffic.

Accident data from January 1, 1998 to December 31, 2000 identify a total of 15 accidents in the study area. Of these, eight accidents can be attributed to approach traffic between the bypass

intersection and Wendell Avenue. An accident cluster of five accidents was identified between F Street and Wendell Avenue. Four of these accidents were rear-end, and one was an angle accident. There was one angle accident at the bypass intersection. There were no recorded accidents attributed to the Airport Road intersection within this three-year period.

The problem is such that buses now use an alternate route to access the junior high school under adverse weather conditions.

The multiple access points situated along the central portion of the corridor potentially impede traffic flow, and the section between RP 80.5 to RP 80.887 along this portion was identified as an accident cluster in the 1992 SEIP. The accidents that occurred were typically rear-end accidents for westbound vehicles turning left into approaches.

### **Roadway Deficiencies**

Geometric deficiencies were identified within the project area when compared to current MDT standards. These include the following:

- The current geometric configuration of the US 87/bypass intersection is non-standard and appropriate intersection operation at this location is not clearly understood by many drivers;
- The stopping sight distance on the existing overpass is inadequate, and the vertical curve needs to be flattened in order to bring it up to current MDT standards;
- A super-elevation, where Airport Road connects to US 87 on a curve and at a slight skew (less than 90 degrees), was designed for a much higher speed than what is now posted; and
- There is an undesirable offset connection of Airport Road and Entrance Avenue.

### **Structural Deficiencies**

The BNSF railroad overpass (RP 79.47) is a 7.32 m (24 ft) wide concrete structure constructed in 1936. MDT utilizes a *Structural Inventory and Appraisal* to determine a structure's Sufficiency Rating (SR). The SR is used to determine a structure's adequacy both with regard to its load-carrying capabilities and its ability to accommodate the volume of traffic on the road which it serves. The SR was developed by FHWA as one of the parameters used in regulating Federal funding for the Highway Bridge Replacement and Rehabilitation Program. It provides a basis to establish eligibility and priority for replacing or rehabilitating bridges. In general, the lower the rating (on a scale of 0 to 100) the higher the priority. According to a January 2002 inspection, this structure has an SR of 36.4, is functionally obsolete, and eligible for replacement.

### **Rail System Relationship**

The scope of the proposed project was originally dependent upon whether the BNSF was to continue service into Lewistown along their existing line. Since initiation of the EA, BNSF has announced its intention to end its rail service from Moore to Lewistown and has identified the line for possible abandonment on its System Diagram Map. This is the required first step in the abandonment process; however, the abandonment process can take several years and requires

formal approval from the Surface Transportation Board (STB). BNSF has not filed any other abandonment documents with the STB, and it is unlikely that a formal decision will be reached before the environmental analysis for roadway reconstruction is complete. If BNSF eliminates service on this line and no other operator takes over the service, it would essentially eliminate the need to replace the existing overpass structure.

Elimination of the rail crossing structure would preclude future opportunities for either BNSF or a short line rail operator to provide service directly into Lewistown from the west. In the interest of facilitating rail service to the Lewistown area, MDT explored the option of utilizing some of the funding identified for the new structure (which will be saved if rail service is terminated) for use in transportation-related improvements associated with this proposed action. This intention has been outlined in an Agreement between the City of Lewistown, Fergus County, and MDT, and is contingent upon the BNSF eliminating service on this line. The initial range of improvements included construction of a Wye track near the airport for a future industrial park, reclamation of the existing at-grade rail crossings in town, removal and stockpile of the rail materials for use or sale by the City of Lewistown or Fergus County, or some other compensatory mitigation for the loss of rail service to Lewistown.

Over the course of the past two years, the City of Lewistown, Fergus County, BNSF, Central Montana Rail (CMR), and the Lewistown Port Authority have been conducting formal and informal discussions regarding the feasibility of one of those entities operating a short line from Moore or the airport area into Lewistown, or the potential disposition of the existing rail line and materials if no qualified operator could be identified. MDT has not played an active role in these discussions, but has instead offered to support whatever agreement is made between the local authorities, through funding a portion of the transportation-related elements of that agreement. MDT stipulates that the amount of funding available is dependent upon the overall cost of the roadway reconstruction project and the amount saved by eliminating the rail crossing structure. MDT estimates that up to \$2 million could be available. An additional stipulation is that the expenditure must be related to the proposed action and support the modal relationships between the highway, rail service, and local transportation needs.



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## 2.0 ALTERNATIVES

This Environmental Assessment (EA) fully evaluates five alternatives: a No-Build Alternative, one alternative for reconstructing the intersection of US 87 at the truck bypass, two alternatives for reconstructing the intersection of US 87 with Airport Road, and an access management plan for the segment of US 87 between these two intersections. This chapter describes the process of developing project alternatives and determining which ones, in combination, could possibly satisfy the purpose and need for the proposed project. One bypass alternative, the widening and access management plan, and an Airport Road intersection alternative will be combined into a Preferred build alternative and compared to the No-Build for potential impacts. A detailed description of the five alternatives evaluated in this document is also provided.

### 2.1 Development of Alternatives and Evaluation Process

A total of eight conceptual design alternatives were initially developed to address concerns with the existing intersection geometry, traffic accident history, and operational characteristics of the existing facility. Community input was solicited from area stakeholders, elected officials, local businesses in the project area, the school district, and the hospital.

The eight alternatives were presented at a public meeting held in Lewistown in March 2002. These alternatives included four intersection reconfiguration concepts at the truck bypass junction, three of which assumed rail service would be terminated and the line removed, and one was developed to accommodate continued rail service into Lewistown. A three-lane section and Access Management concept was developed for the area generally between the truck bypass junction and Airport Road. Three other alternatives were developed to improve the Airport Road intersection. Table 2.1 provides a summary of the early evaluation of these alternatives.

**Table 2.1**  
**Alternatives Evaluation Summary**

Alternative	Description	Screening Result
Bypass – Alt 1	Realignment of US 87 into a “T” intersection with the bypass.	Eliminated – Does not provide direct access into Lewistown.
Bypass – Alt 2	Unrestricted eastbound bypass traffic; slip ramp for eastbound traffic destined for Lewistown; westbound “T” intersection with bypass.	<b>Retained</b> – Provides safer geometry and more efficient operation.
Bypass – Alt 3	Realignment of truck bypass into a “T” intersection with US 87.	Eliminated – Requires a stop condition for eastbound truck traffic.
Bypass – Alt 4	New grade-separated overpass.	Eliminated – BNSF identified this rail line on their system map for future closure. Based on this potential for rail removal, this alternative was eliminated from detailed evaluation.
3-Lane/ Access Mgmt	Two through lanes and a center left-turn lane from the bypass to Airport Rd. Consolidated access points.	<b>Retained</b> – Provides safer geometry and more efficient operation.
Airport Rd – A	Realignment of Airport Rd to “square” the intersection with US 87.	<b>Retained</b> – Provides better intersection geometry and separation from Entrance Avenue.
Airport Rd – B	Realignment of Entrance Avenue to Airport Rd.	Eliminated – Requires a residential relocation.
Airport Rd – C	Realignment of Airport Rd to Entrance Avenue.	<b>Retained</b> – Provides better intersection geometry.

The screening of these alternatives was based largely on the discussion at the public meeting and the strong preferences expressed by those present. As noted in the table above, five of the eight alternatives were retained for further evaluation in the EA. The No-Build Alternative is also described below, and Section 2.6 contains a discussion of the alternatives that were eliminated.

## 2.2 No-Build

The No-Build Alternative would essentially maintain the existing conditions along the entire length of the project corridor by providing only routine maintenance on US 87 and the existing overpass structure. The objective of upgrading the overpass and intersection areas would not be met under the No-Build Alternative; consequently, there would be no safety or operational improvements and the Purpose and Need of the project would not be met.

## 2.3 Truck Bypass Junction

Four intersection configuration alternatives were initially developed for the truck bypass junction. Three alternatives were eliminated and are discussed in Section 2.6. Alternative 2 remains viable and is described below.

### Bypass Junction – Alternative 2

Alternative 2 provides the eastbound bypass traffic with an unrestricted movement from US 87 to the northeast on the bypass. Figure 2-1 illustrates this alternative. As shown, eastbound US 87 traffic destined for Lewistown would utilize a direct, one-way connection via the continuous right lane. US 87 westbound traffic is directed to a “T” intersection with the truck bypass, and would make a left turn onto the bypass which would flow into US 87 westbound near the Western Aire drive-in. This alternative reduces the number of conflict points and provides more desirable separation between the access points. The separation between the conflict points at the drive-in and the new bypass intersection would be increased by approximately 400 m (1,312 ft).

**Figure 2-1**  
**Bypass Junction – Alternative 2**

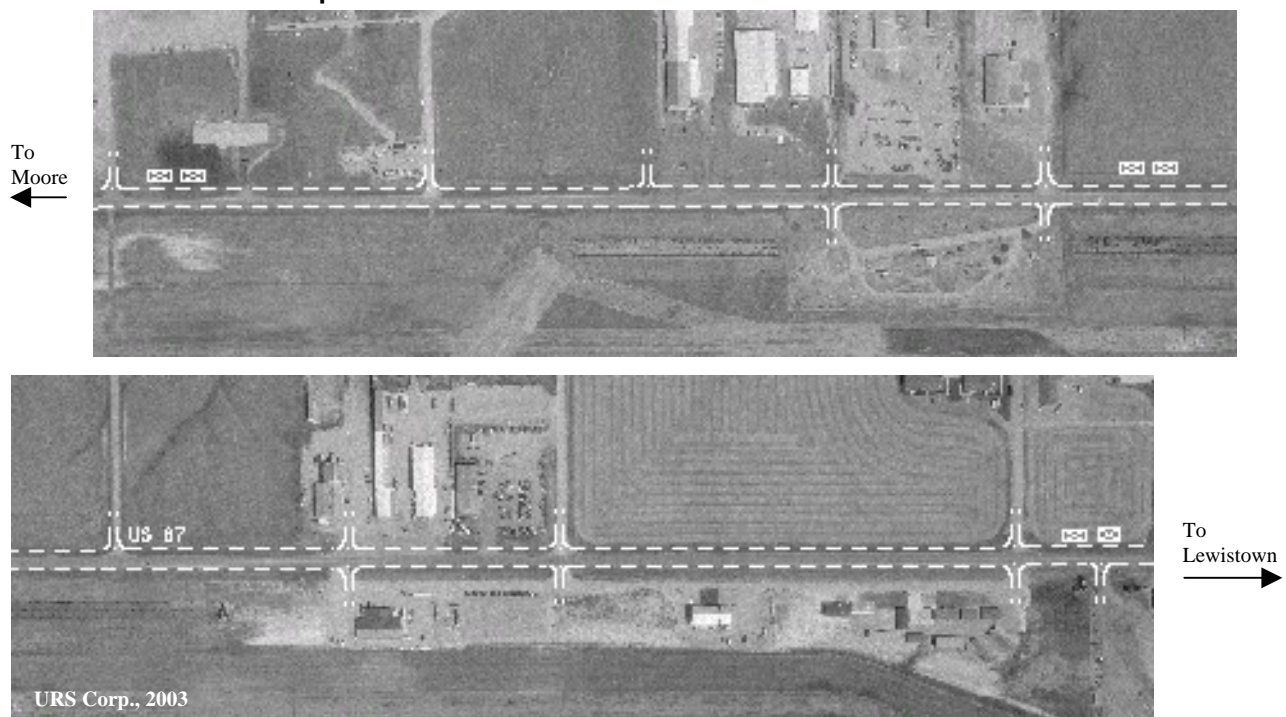


Signing enhancements at the intersection identifying “Business Route” and “Truck Bypass” would delineate the appropriate direction for motorists well in advance of the intersection, and avoid any driver confusion at the decision point. The signage would provide clear direction to motorists that intend to travel into the Lewistown business district.

## 2.4 Three-Lane Section and Access Management Concept

A basic three-lane section (two through lanes with a center, two-way, left-turn lane) is proposed for the portion of US 87 from the truck bypass junction to the intersection at Airport Road. This improvement alone would provide immediate benefits to the flow of traffic; however, to fully realize the operational and safety benefits of the three-lane section, access management must be considered as an integral part of any improvements in this corridor. The access management concept would improve the safety and operation of US 87 by better organizing the flow of traffic turning movements. Access points will be negotiated with individual property owners during the detailed design process. The primary access locations proposed are illustrated in Figure 2-2. This access management concept was presented at the March 2002 public meeting and built upon existing key access locations in an attempt to retain the spacing already established along the corridor. By defining side street and driveway locations, random and uncontrolled access to the highway is eliminated. Vehicles traveling along US 87 have a better sense of where entering vehicles will approach, thus reducing the distraction associated with “scanning” along the edge of the roadway where vehicles may suddenly appear and access the highway.

**Figure 2-2**  
**Access Control Concept**



The purpose of access management is to improve safety, preserve function and mobility, and manage existing and future access in a consistent manner. Access Management is the coordination of individual access needs with those of the transportation system to ensure efficient traffic operations while accommodating the access needs of the community.

Access Management will be an integral part of the design and operation of this project. Limited access control will be implemented along this corridor. Reasonable access will be maintained to all existing parcels adjacent to the highway. Future access will be managed in accordance with guidelines to be developed during the design and right of way process. New direct access may

be denied based on criteria established through the development of the plan. Requests for future access may require mitigation of impacts to the operation of the roadway as a condition of permitting. Redevelopment may require consolidation of existing access as part of the approval process.

Redevelopment of properties will be subject to the appropriate jurisdictional review in addition to conforming to the management plan to be developed specifically for this corridor. Local growth policies will be integrated into the development of the access management plan where appropriate, but access management will not be used to prohibit the development of private property.

Implementation of limited access control within the project corridor may result in some existing accesses being relocated, combined, or eliminated if alternate access can be provided. The cumulative impact to the area is negligible. Development is going to occur with or without access management. At this time, only partial development has occurred along this corridor, with some parcels planned for new development in the near future.

Consolidation of driveways and the use of frontage roads are relatively low-cost tools of access management. This requires more right-of-way and is not currently part of the proposed project. While some driveways may become longer as a result, the safety of access to the developed properties would be substantially improved. As development moves further away from US 87, the extension of McKinley and Wunderlin Streets to the west, for example, are other ways to improve traffic circulation through the area while providing safe public access to future development.

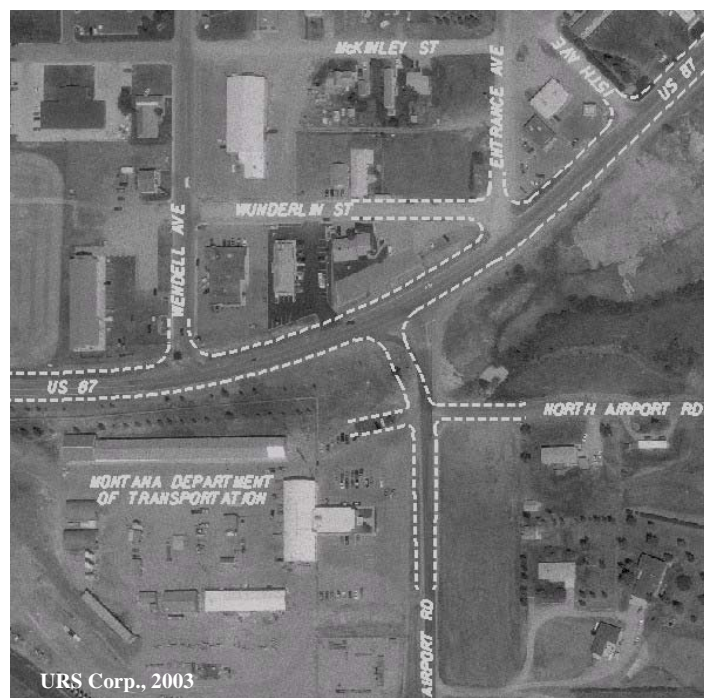
## 2.5 Airport Road Intersection

Three intersection alternatives were developed for the Airport Road intersection. Two alternatives remain viable for this area and are discussed below. The third alternative was dismissed and is presented in Section 2.6.

### Airport Road – Alternative A

A westerly realignment of Airport Road creates a conventional 90-degree tee intersection with US 87 and substantially reduces or eliminates the superelevation at the intersection. The advantage of this design lies in the elimination of the existing intersection skew angle, and improves the driver's ability to see eastbound vehicles approaching the intersection. The

**Figure 2-3**  
**Airport Road – Alternative A**





resulting additional separation (of approximately 91 m (299 ft.)) achieved between Airport Road and Entrance Avenue increases the available storage length for vehicles utilizing US 87 to access northbound Entrance Avenue, and school buses traveling between the high school and the north side of town could more safely accomplish the two-step turning movement required to cross US 87. Figure 2-3 illustrates this concept.

North Airport Road would also be realigned under this alternative to intersect the new Airport Road alignment at an improved angle and to create an additional 7 m (23 ft) separation from US 87. This would provide left-turn storage length for vehicles using Airport Road to access North Airport Road. This alternative requires the least amount of reconstruction as compared to the other alternatives and represents the minimum impact to the adjacent properties.

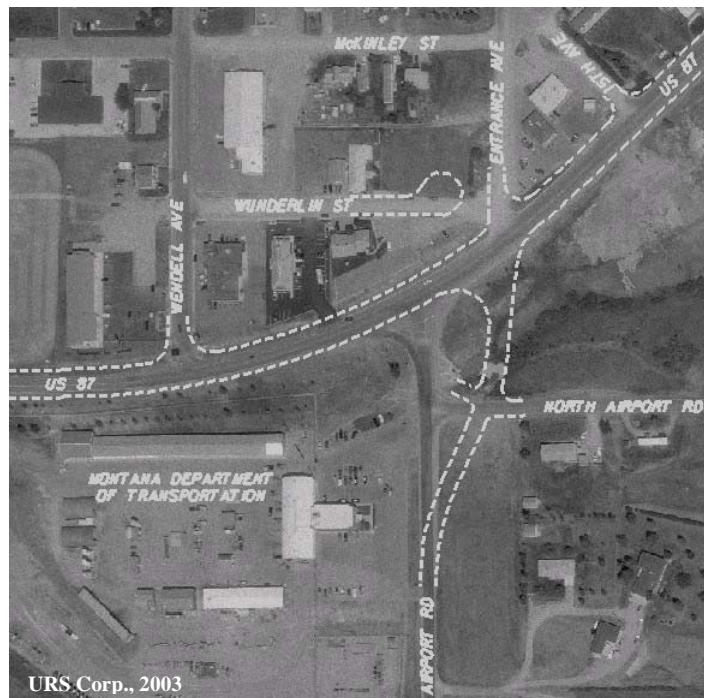
### Airport Road – Alternative C

Figure 2-4 illustrates this alternative providing the benefit of consolidation and system continuity by aligning Entrance Avenue and Airport Road, which are now offset. Airport Road would be shifted to the east to align with Entrance Avenue under this alternative. It provides direct movement from Airport Road to Entrance Avenue, which would be a substantial improvement for school buses, and provides greater separation between North Airport Road and US 87 to provide even more vehicle storage when compared to Alternative A.

A cul-de-sac terminating Wunderlin Street at Entrance Avenue is provided, and results in a more “standard” intersection configuration at Airport Road and Entrance Avenue. The cul-de-sac would also reduce the potential for driver confusion.

While this alternative seeks the benefit of a direct through-movement, it perpetuates an undesirable intersection skew angle. Additionally, a 9 m to 12 m (30 ft to 40 ft) fill slope across the coulee generates the greatest impact of the Airport Road alternatives and would require additional right-of-way.

**Figure 2-4**  
**Airport Road – Alternative C**



## 2.6 Alternatives Eliminated from Further Evaluation

As a result of comments received at the March 2002 public meeting, three alternatives were eliminated from detailed evaluation. Two at-grade alternatives at the US 87/bypass junction were eliminated because they were not perceived to provide a desirable preference to the dominant traffic movements. Alternative 1 does not provide the desirable direct entrance to downtown, and Alternative 3 requires stop conditions for traffic utilizing the bypass. The grade

separated alternative was eliminated based on the agreement reached between the community of Lewistown and the BNSF (See Appendix C). The alternative realigning Entrance Avenue to align with Airport Road was eliminated because it was discovered that it would require relocating a new residence. The four alternatives that were eliminated from further evaluation are discussed below.

### **Bypass Junction – Alternative 1**

Alternative 1, illustrated in Figure 2-5, provides the simplest design by realigning US 87 into a “T” intersection with the existing truck bypass. This design could enhance the operating character of US 87 between the bypass and town with the anticipated stop, and possibly result in lower operating speeds for this urbanizing portion of US 87.

Geometrically, the original alignment of the truck bypass is utilized, but without the conflict of westbound US 87 high-speed traffic. While retaining the existing truck bypass alignment avoids any additional costs associated with realignment, it does not provide the desired geometric improvements.

This alternative provides for full movement between US 87 and the truck bypass, but requires an indirect travel route for eastbound traffic headed into the downtown business district. Since the desirable direct access to downtown Lewistown was not provided under this alternative, it was eliminated from further evaluation.

### **Bypass Junction – Alternative 3**

Alternative 3 retains the two-way traffic flow of US 87 and realigns the truck bypass into a “T” intersection with US 87, as illustrated in Figure 2-6. A ramp connection for westbound truck bypass traffic provides continuous access onto US 87 westbound.

**Figure 2-5**  
**Bypass Junction – Alternative 1**



**Figure 2-6**  
**Bypass Junction – Alternative 3**





While this alternative retains direct, two-way access into Lewistown along US 87, it requires a stop condition for eastbound, left turning trucks onto the bypass. A semi-truck, fully loaded, will take much longer to clear the intersection than a passenger car, and this should be recognized as a safety concern. Since the City of Lewistown has expressed a strong desire to minimize the amount of truck traffic in town, providing a more efficient movement for truck traffic to access the bypass is more desirable. The stop condition makes this alternative less desirable for bypass traffic and was eliminated from further consideration.

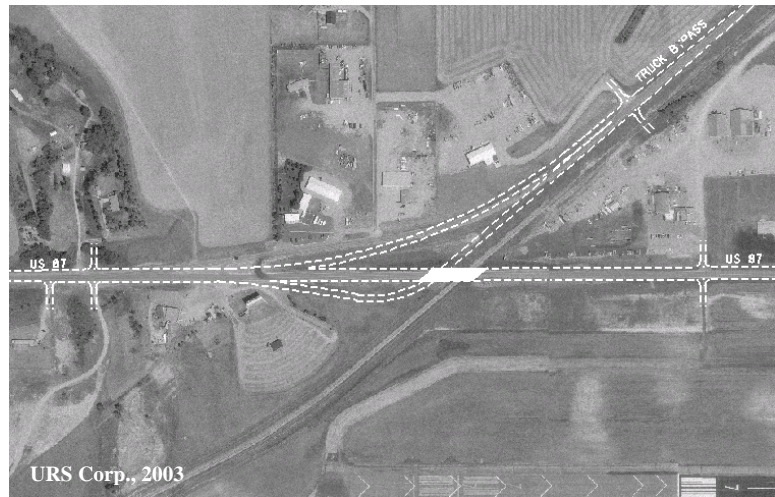
#### **Bypass Junction – Alternative 4**

Current FHWA guidance discourages construction of at-grade railroad crossings on the National Highway System (NHS). Should the BNSF line remain, the functionally obsolete overpass structure would have to be reconstructed in order to maintain the grade separation between US 87 and the railroad.

Figure 2-7 illustrates the proposed geometric configuration of a grade-separated crossing, along with ramps that provide limited connections between US 87 and the truck bypass. In this alternative, a new bridge would be constructed to span the railroad

**Figure 2-7**  
**Bypass Junction – Alternative 4**

tracks and the eastbound ramp from US 87 to the truck bypass. This ramp would exit US 87, crossing under the lengthened bridge structure and run parallel to the railroad tracks. It would then merge with the northeast bound truck bypass lane. A westbound ramp connection is also provided from the truck bypass to westbound US 87.



While this alternative does improve the safety of operation between US 87 and the truck bypass, not all turning movements can be reasonably provided under the existing constraints of the site. Westbound bypass traffic cannot access US 87 east of the railroad. In order to access eastbound US 87 from the truck bypass, a frontage road system (not pictured) would need to be constructed across the private property to the north.

#### **Airport Road – Alternative B**

Alternative B aligns Airport Road and Entrance Avenue by realigning Entrance Avenue to the west, as illustrated in Figure 2-8. The advantage of this alternative is the consolidation of two offset streets into a single intersection. The resulting through movement across US 87 is direct. This four-leg configuration provides for future traffic signalization, pedestrian cross walks, and increased separation (although minimal) between Wunderlin Street and US 87.



A major disadvantage of this alternative is the impact to the local street system north of US 87. The “S” shaped realignment of Entrance Avenue requires the relocation of two minor intersections, and places an impact on the existing business properties east of Entrance Avenue. One residential relocation would also be required under this alternative. As a result of these impacts, this alternative was eliminated from further evaluation.

**Figure 2-8**  
**Airport Road – Alternative B**



## 3.0 IMPACTS AND MITIGATION

This chapter contains information on potential social, economic, and environmental resource impacts due to the proposed action. This information was developed in cooperation with state and federal agencies, Fergus County officials, City of Lewistown staff, and members of the general public.

### 3.1 Land Use/Right-of-Way/Easements

The populations of Lewistown and Fergus County have declined since the 1990 census. The No-Build Alternative would not have any substantial impact on the location, distribution, density, or growth rate of the area's population. Based on the nature of the proposed improvements and the fact that no capacity expansion is proposed, none of the build alternatives are anticipated to have an impact on the area's rate of growth; however, the proposed improvements may facilitate commercial and industrial development in the central project area between the bypass and Airport Road, and at the proposed industrial park west of the airport. These potential impacts are presented in the "Cumulative Impacts" discussion later in this chapter.

The amount of new/additional right-of-way that would be required to implement the proposed action varies between the four Build Alternatives. Table 3.1 summarizes the total right-of-way requirements for each portion of the corridor.

All lands needed for right-of-way under the proposed action are in private ownership, and would be acquired in accordance with both the *Uniform Relocation Assistance and Real Property Acquisition Act* of 1970 (P.L. 91-646), and the *Uniform Relocation Act Amendments* of 1987 (P.L. 100-17). Compensation for right-of-way acquisitions would be made at "fair market value" for the "highest and best use" of the land.

**Table 3.1**  
**Summary of Right-of-Way Requirements**

Location (by Reference Post)	Hectares	(Acres)
10+00 to 23+60	4.16	(10.27)
23.60 to 42.00	2.67	(6.60)
42.00 to 49+33	0.29	(0.71)
Total	7.12	(17.58)

Source: BRW, Inc.

No relocations of residences or businesses would be required under the No-Build or any of the Build Alternatives.

### Parks and Recreation/NL&WCF - Section 6(f) Lands

No National Land & Water Conservation Fund (NL&WCF) Act - Section 6(f) (16 U.S.C.460) properties have been identified within the vicinity of the proposed project. No acquisition of NL&WCF - Section 6(f) properties would occur, and there would be no impacts by the proposed project's Build Alternatives.

### ***Mitigation***

No mitigation required.

## **3.2 Farmlands**

The majority of land adjacent to US 87 in the project area is in commercial or industrial development, or is encompassed within the airport property boundaries. The 1981 *Farmland Protection Policy Act* (FPPA) requires that the effects of proposed highway projects be examined before any farmland is acquired. This impact analysis was conducted for the area within the proposed right-of-way. The right-of-way area was inventoried using the Natural Resource Conservation Service (NRCS) Soil Survey Geographic database for Fergus County.

The FPPA definition of farmlands includes all areas in non-urban use. This does not mean that these lands are currently in crop production, since the definition also includes forested, idle, pasture, open and recreational lands, as well as unpaved roads, rural residences and farm buildings.

None of the proposed Build Alternatives will impact any Prime Farmland, Unique Farmland, or Farmlands of Statewide or Local Importance.

### ***Mitigation***

No mitigation required.

## **3.3 Social**

This section includes impacts on the traveling public and/or other users of the existing and proposed transportation facility. It also describes any relocations, displacements of any ethnic minorities (or low-income groups), and/or impacts on community cohesion. Information on existing patterns of household size and education, and characteristics of the local housing stock is presented below in order to provide a context in which to evaluate social impacts.

### **Demographic Information**

According to census data, the total population of Fergus County was 11,893 in year 2000. The population of Lewistown was 5,813. Both jurisdictions have declined in population since 1990, when their populations were as follows: Fergus County, 12,083 and Lewistown, 6,051.

A breakdown of the population by race indicates that 97.1 percent of the population in Fergus County is white. The percentage of white population in Lewistown is 96.5. The representation of minority groups in the city and county ranges from 0.3 to 1.4 percent.

The median age of residents in Fergus County is 42.4 years and the median age in Lewistown is 42.9. Average household size is 2.33 in Fergus County and 2.81 in Lewistown.

At the time of the 2000 census, 12.6 percent of housing units in Fergus County were vacant. The vacancy rate was 9.6 percent in Lewistown. About three-fourths of the housing units in the county were owner-occupied and the proportion of owner-occupied housing units was about two-thirds in Lewistown.

### **Travel/Access**

Overall, the proposed action would enhance highway operation and safety, accommodate the continually increasing urban character of the route, and meet MDT design criteria.

The proposed project would improve safety and capacity of US 87 by organizing the flow of traffic turning movements. A basic three-lane section (two through lanes with a continuous center, left-turn lane) is proposed for the central portion of the study area, and this improvement alone would provide immediate benefits to the flow of traffic.

The access management plan presented to the public was built upon existing key access locations and attempts to retain the existing spacing along the corridor. By defining side street and driveway locations, random and uncontrolled access to the highway is eliminated and vehicles traveling along US 87 have a better sense of where entering vehicles will approach.

Provision of a reconstructed and upgraded roadway under any of the Build Alternatives would result in improved access for all area residents, businesses, travelers and truckers who rely heavily on US 87. These improvements would not be provided under the No-Build Alternative.

### **Executive Order 12898/Title VI - Environmental Justice**

Title VI of the U.S. Civil Rights Act and E.O. 12898 requires that no minority or, by extension, low-income person shall be disproportionately impacted by any project receiving federal funds. For transportation projects, this means that no particular minority may be disproportionately isolated, displaced, or otherwise subjected to adverse effects.

The proposed action would not cause any residential or business displacements, and would not have any substantial impact on the location, distribution, density or growth rate of the area's population. None of the Build Alternatives would affect the cohesion of any communities or divide any neighborhoods. Therefore, the proposed action would not adversely impact any ethnic, low income, or other minority groups.

Both the No-Build Alternative and the Build Alternatives are in accordance with E.O. 12898, and would not create disproportionately high and/or adverse impacts on the health or environment of minority and/or low-income populations. These alternatives also comply with the provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), as amended) under the FHWA's regulations (23 CFR 200).

### **Mitigation**

No mitigation required.

### 3.4 Economic

The proposed project would not have any direct long-term adverse or beneficial effects on the local or regional economies. The improvements would not substantially increase roadway capacity because it would remain a two-lane facility. In addition, by keeping the roadway open during construction, only minor disruptions to business, residential, and tourist traffic are anticipated. Likewise, impacts on the local and regional economies from the No-Build Alternative would be negligible.

#### *Mitigation*

No mitigation required.

### 3.5 Pedestrians and Bicyclists

Pedestrian/bicycle traffic in the vicinity of the proposed project is limited and very minor. Currently, the comparatively narrow paved width and lack of shoulders through much of the corridor does not encourage pedestrian/bicycle use on the existing roadway.

All of the Build Alternatives include a 2.4 m (8.0 ft) shoulder to that can safely accommodate pedestrian/bicycle use and improve visibility for all users of the facility. The proposed project would also include rumble strips in the shoulders. Placement of these rumble strips 0.3 m (1.0 ft) from the travel lane will provide more than the recommended minimum of 1.2 m (4.0 ft) clear path for bicycle and pedestrian use.

The No-Build Alternative would not improve safety for pedestrians/bicyclists or motorists.

#### *Mitigation*

No mitigation required.

### 3.6 Air Quality

This proposed project is located in an unclassifiable/attainment area of Montana for air quality under 40 CFR 81.327, as amended. As such, this proposed project is not covered under the EPA's "Final Rule" of September 15, 1997 on Air Quality Conformity. Therefore, the project's No-Build and Build Alternatives comply with Section 176(c) of the Clean Air Act (42 U.S.C. 7521(a), as amended).

#### *Mitigation*

No long-term negative impacts to air quality are anticipated; therefore, no mitigation measures are required.

### 3.7 Noise

According to the Federal Aid Policy Guide, "Procedures for Abatement of Highway Traffic Noise and Construction Noise" (23 CFR 772), Type I projects are noted as "proposed Federal or

Federal-aid highway project[s] for the construction of a highway on a new location or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes.” This proposed project is classified as a Type 1 project due to the potential for substantial change in vertical alignment if the overpass is removed.

### Impacts

Existing and design year 2019 noise levels were predicted for five receivers along the project corridor for each alternative (No-Build and Preferred). Existing and predicted noise levels are provided in Table 3.2.

**Table 3.2**  
**Receptors and Predicted Noise Levels for the No-Build and Preferred Alternatives**

Receptor	Description	No-Build Alternative			Preferred Alternatives	
		1999 L <sub>eq</sub> (h) (dBA)	2019 L <sub>eq</sub> (h) (dBA)	Potential Impact in 2019?	2019 L <sub>eq</sub> (h) (dBA)	Potential Impact in 2019?
Residence	Single-family residence at RP 79.2, located south of U.S. 87.	55	57	No	56	No
Residence	Single-family residence at Mile Post 79.3, located north of U.S. 87.	54	56	No	58	No
ALF	Assisted Living Facility located north of U.S.87.	58	60	No	61	No
Park	Kiwanis Park located south of U.S. 87.	55	57	No	57	No
Motel	Super 8 Motel located north of U.S. 87.	56	58	No	60	No

Source: Big Sky Acoustics, 2002

### Mitigation

The traffic noise levels were studied at a total of five individual receptor locations, representing two single-family residences, an assisted living facility that was unoccupied at the time of the analysis, a park, and a motel, located within approximately 150 m (492 ft) of the No-Build and Build Alternatives. No traffic noise impacts are predicted at the noise-sensitive receptors due to the project, and therefore, traffic noise abatement measures are not required.

## 3.8 Water Quality

The quality of runoff from roadways is impacted by vehicle-related contaminants, such as motor oil, grease and tire rubber. With the low traffic volumes on this route, any impacts are anticipated to be minor. In addition, surface water runoff is impacted by herbicides and pesticides that may be used in landscaped or maintained areas along the highway.

### Impacts

There would be an increase in the total surface area of paved road related to widening and reconstruction. This increase in total road surface area decreases the overall permeability of substrate and increases the rate and quantity of surface water runoff from the roadway. However, reconstruction of US 87 on the existing alignment would likely improve water quality relative to current conditions. The reconstructed roadway would meet more rigorous standards

(e.g. with respect to grade, surface water runoff controls, sedimentation and erosion control), and reduce impacts to surface water quality due to erosion and siltation.

### **Mitigation**

Each of the proposed Build Alternatives may impact water quality through storm water runoff and erosion. Mitigation of these impacts is achieved through engineering controls, such as grading, revegetation, design of culverts/ditches, and the use of Best Management Practices. Construction of any of the alternatives will require a MPDES Stormwater Pollution Prevention Plan (SWPPP) and field monitoring/oversight to ensure that impacts to water quality due to construction along any of the proposed alternative alignments is minimal.

## **3.9 Wetlands (E.O. 11990)**

Wetland evaluations are conducted to specifically address wetland resources in a project corridor as mandated by Executive Order 11990 (Protection of Wetlands), Sections 401 and 404 of the Federal Clean Water Act (CWA) (as amended), and the Montana Water Quality Act. The complete evaluation process is documented in the Biological Resources Report (BRR) prepared for this project, and available from MDT.

Six wetland sites were identified within 30.5 m (100.0 ft) of the existing highway centerline. One wetland site was identified near the eastern terminus of the project, and four were identified along both sides of the highway near the western terminus.

Approximately 0.92 ha (2.28± ac) of wetlands were delineated within the study area.

### **Impacts**

- The *Bypass Junction - Alternative 2* would require the placement of fill material at the western end of the project corridor. Approximately 0.26 ha (0.63± ac) of Category III wetlands are located within the construction limits and would be impacted.
- The proposed *Three Lane Section* through the central portion of the project would not impact any wetland areas.
- The *Airport Road - Alternative A* would avoid the Category III wetland at that location if the fill slope remains in its current condition. Any movement or placement of fill to the east of the existing road limits has the potential of impacting the wetland at this location.
- The *Airport Road - Alternative C* would require the placement of substantial fill material in the unnamed drainage to the east of Airport Road. Approximately 0.10 ha (0.25± ac) of Category III wetland would be impacted (within the construction limits) by the proposed action.

### **Wetland Avoidance and Minimization**

Compliance with *Section 404* of the Clean Water Act and Executive Order 11990 requires consideration of practicable design measures for the avoidance and minimization of wetland impacts. The compensatory mitigation of wetland impacts in the form of restoration, creation, and enhancement is always the last option after all practicable avoidance and minimization measures have been investigated and determined not practicable. The proposed avoidance and minimization measures for this proposed project have been developed in accordance with the *Interagency Operating Procedure for the Conservation of Wetland Resources Associated with Transportation Construction Projects in the State of Montana* (IAWG 1996).

Avoidance of all identified wetland areas in the project corridor was deemed not practicable based on several factors, including the need to design the proposed project to current state standards and federal guidelines. Opportunities to avoid and minimize impacts with the proposed project corridor were investigated in detail during the preliminary road design analysis for the proposed project, and will be ongoing until the development of the final design plans. Utilization of the existing alignment will also minimize impacts.

The “No-Build” alternative would fail to meet the needs of the traveling public, and as no practicable alternatives exist to avoid all identified wetland areas, the proposed impacts to the identified wetlands would occur in compliance with Executive Order 11990.

### **Mitigation**

Mitigation opportunities to compensate for potential wetland impacts along the project corridor are presently being investigated in coordination with MFWP. To date, no opportunities have been identified in the immediate study area. In the event that no suitable on-site wetland mitigation opportunities are identified within the project corridor, wetland impacts will be mitigated at an approved off-site mitigation reserve within the same watershed.

## **3.10 Waterbodies, Wildlife Resources, and Habitat**

The Biological Resources Report (BRR) prepared for the proposed project provides a detailed accounting of the terrestrial and aquatic species, and species of concern that are known to occur or could occur within the proposed project area. The information below is a summary of potential impacts and mitigation measures for biological resources.

### **Terrestrial Resources**

One hundred forty-eight bird species are recorded for the inventory area encompassing Lewistown. Of these, 19 species are confirmed as breeding, 66 species as potentially breeding in the area, and 63 species known only as transient (migratory) or over-wintering in the project area.

Three amphibian and six reptile species are known to occur in Fergus County. No amphibian or reptile species were observed during the May 1, 2002 field survey of the project area and none are known to occur within the project corridor.



### ***Impacts***

Impacts to terrestrial species would likely be minor and temporary, based on the abundance of similar habitat in the vicinity of the project corridor. Big game mammals such as Mule Deer and White-tailed Deer can avoid construction by moving into adjacent habitat. Direct mortality and loss of habitat for small mammals with limited mobility and those with dens within the project construction limits, such as shrews, voles, mice, and burrowing animals such as Richardson's ground squirrel are expected during the construction of any of the Build Alternatives. Reconstruction of the highway should not result in appreciable increases in displacement of individuals or populations, direct mortality, or additional habitat fragmentation affecting small mammal populations. Mid-sized (i.e. fox, coyote, raccoon) to large mammals (i.e. deer) will be displaced from habitats in the vicinity of the project but mortality of these species is not anticipated as a direct result of the construction activities of the project.

Construction associated with the removal of the railroad overpass may directly impact nesting Cliff and Barn Swallows and would result in the taking of individuals if conducted during the nesting season.

### ***Mitigation***

To protect Cliff and Barn Swallows nesting on the railroad overpass in the project corridor, one of the following will occur if the project is constructed: the overpass will be removed during the non-nesting period (from September 1 to March 15); or, if the overpass cannot be removed during the non-nesting season, existing nests will be removed and fine mesh netting, chicken wire fencing, or other suitable material to prevent birds from establishing new nests (as approved by the USFWS) will be placed on the underside of the bridge decking during the non-nesting season (September 1 to March 15).

### **Species of Concern**

Based on the lack of suitable habitat and confirmed records for any mammal, bird, amphibian, reptile, and/or invertebrate Species of Concern within this project study area, no direct, indirect, or cumulative impacts are anticipated.

### **Seeding/Erosion**

Of the 23 plants designated as noxious weeds in Montana, 12 are identified as occurring in Fergus County. Three Category 1 species are known to occur in the study area: spotted knapweed, houndstongue, and leafy spurge. The Montana Department of Agriculture defines Category 1 weeds as weed species that are currently established and generally widespread in many counties. Spotted knapweed and houndstongue were identified during a field visit conducted by MDT's consultant. No leafy spurge was identified during the field visit. Spotted knapweed was abundant at the Truck Bypass (especially along the railway under the existing overpass structure) and at the eastern terminus, along the Airport Road, and sporadically from the road shoulder down to the wetland area. Houndstongue was seen only at the eastern end of the project area, below airport road.

### **Impacts**

Construction of any of the proposed Build Alternatives would cause temporary soil surface disturbances and create the potential for erosion of disturbed areas and the growth of noxious weeds. The No-Build Alternative would not cause these potential impacts, because it would not involve construction.

### **Mitigation**

If constructed, MDT will re-establish a permanent desirable vegetation community over areas that are disturbed by the construction of the proposed project. This action will be in accordance with **7-22-2152** and **60-2-208, M.C.A.**, and a set of revegetation guidelines will be developed by MDT that must be followed by the contractor. These specifications will include instructions on seeding methods, dates, mix components, and the types and amounts of mulch and fertilizer. Seed mixes include a variety of species to assure that areas disturbed by construction are stabilized by vegetative cover. Vegetation disturbances outside the construction limits of the proposed project will be avoided and minimized where possible and reclaimed with desirable vegetation.

Appropriate measures will be taken to prevent the spread of noxious weeds, which can occur during construction. Occurrences of noxious weeds will be spot sprayed with an appropriate broad-leaf killing herbicide in all areas proposed to be used as staging areas, and where earth-moving activities would occur. This would reduce the likelihood of noxious weed infestations during and immediately after construction. Further, a regular regime of spot spraying in staging areas and construction limits would greatly reduce the likelihood of noxious weed infestations.

MDT will comply with all other measures in the Fergus County Noxious Weed Management Plan.

## **3.11 Floodplains (E.O. 11988)**

In accordance with Executive Order 11988 (“Flood Plain Management”), FHWA requires the evaluation of the proposed project to determine if any of its alternatives encroach on floodplains (23 CFR 650, Subpart A). E.O. 11988 defines a “floodplain” as lowland and relatively flat areas adjoining inland and coastal waters with a one percent or greater chance of flooding in any given year.

There are no floodplains within the proposed project area.

### **Mitigation**

No mitigation required.

## **3.12 Threatened/Endangered (T/E) Species**

In accordance with *Section 7 of the Endangered Species Act (16 U.S.C. 1531-1543)*, this project was evaluated to determine the potential effects on plant and animal species listed by the United States Fish and Wildlife Service (USFWS) as threatened, endangered, proposed, or candidate.

Based on informal consultation with the USFWS on May 20, 2002, three species may be present in the project area that need to be evaluated. Table 3.3 provides summary information for these species.

**Table 3.3**  
**T & E Species Summary**

Common Name	Scientific Name	Status	Known Distribution in Project Area
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Threatened	A search of the MNHP database did not disclose any records for the Bald Eagle within 8.0 km (5.0 mi) of the project area. Bald Eagle use of the project area is primarily by migratory and transient individuals, with some winter use.
Mountain Plover	<i>Charadrius montanus</i>	Proposed Threatened	According to MFWP, the Mountain Plover is not known to occur within the corridor.
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	Candidate	According to MFWP, no prairie dog colonies were located along the project corridor.

Source: Biological Resources Report (BRW, Inc. 2003)

### **Impacts**

Based on communications with MFWP, the proposed project is expected to have **No Effect** on the proposed, candidate, or federally listed species identified by the USFWS as potentially occurring in the project corridor.

### **Mitigation**

No mitigation/coordination measures are required for the mountain plover or black-tailed prairie dog based on lack of suitable habitat and no known occurrences of the species within the project corridor.

Based on known occurrences of migrating and transient bald eagles using suitable habitat within the corridor, power lines that are modified or reconstructed as a result of the project will be raptor-proofed in accordance with MDT policy.

## **3.13 Cultural/Archaeological/Historic Resources**

The Cultural Resource Inventory and Evaluation prepared for this proposed project identified four historic sites within the study area. These include the Milwaukee Road Overpass, a segment of the Milwaukee Road Line, the Western Aire Drive-In Theater, and the Hackamore Bar. The Milwaukee Road Overpass had been recently recorded and evaluated by MDT. The inventory did not record the Milwaukee Road line, except to confirm that no buildings or structures stood in its right-of-way. The terms of the Programmatic Agreement between MDT and the State Historic Preservation Office (SHPO) specifies that no evaluation work is required for the Milwaukee Road's trackage in the state.

No prehistoric or historic archeological sites were identified in the project area.

Table 3.4 provides a summary of the historic properties identified in the area of potential affect from this project.

**Table 3.4**  
**Summary of Historic Properties in the Project Area**

Site Number	Name	Location	National Register Status
24FR411	Milwaukee Road Line	SW1/4 SW1/4 & E1/2 Sec. 17 and N1/2 NW1/4 NW1/4 Sec. 20, T15N R18E	Undetermined
24FR803	Milwaukee Road Overpass	SE1/4 SW1/4 Sec. 17 and NW1/4 NW1/4 Sec. 20, T15N R18E	Eligible
24FR969	Western Aire Drive-In Theater	N1/2 N1/2 NW1/4 Sec. 20, T15N R18E	Eligible
24FR970	Hackamore Bar	NE1/4 NW1/4 NW1/4 Sec. 20, T15N R18E	Not Eligible

Source: Renewable Technologies, Incorporated, 2000

### **Impacts**

The project will have **No Effect** on the Western Aire Drive-In Theater.

The project will have an **Adverse Effect** to the Milwaukee Road Overpass structure as it will be removed as part of the Preferred Alternative. MDT will follow the Historic Roads and Bridges Programmatic Agreement (included in Appendix B). Although the structure will be offered for adoption as required by federal law, it is not economically or physically feasible to relocate the multi-span reinforced concrete bridge. The public notice for bridge adoption will note this issue to ensure that any interested parties are fully aware of the limited feasibility of moving this structure.

### **Mitigation**

If the project is constructed, MDT proposes to contribute \$5,000.00 to the Montana Historical Society Press to help fund the publication of a planned book on Montana's historic bridges. MDT also proposes to build a turnout on the project and install a historical marker overlooking the airfield. The historical marker will detail the Airfield's use as a B-17 training base during WWII.

## **3.14 Hazardous Waste**

Throughout the proposed project sites, three main types of "hazardous materials" were found.

- 1) Underground storage tanks (USTs), drains and associated piping;
- 2) Aboveground storage tanks and associated piping; and
- 3) Heavy equipment with potential for spills of hazardous materials.

Four Leaking USTs (LUSTs) have been reported adjacent to the proposed project site. There are thirty-three inactive and three active USTs adjacent to the proposed project site. The MDT Maintenance Shop adjacent to the eastern end of the proposed project is a Resource Conservation and Recovery Act Small Generator of hazardous waste, and has had reported leaks and spills of hazardous materials.

### ***Impacts***

The LUST and UST sites located near the access to Century Construction are within close proximity to the proposed improvements. The remaining LUSTs and USTs sites of concern are located midway through the corridor near Moodie Implement and Lewistown Tires. These locations will not be a problem as they are beyond the proposed right-of-way. The MDT Maintenance shop, on the east end of the project, is also beyond the limits of the improvements and will not be impacted.

Several businesses and entities that occupy the properties adjacent to the proposed project site store and maintain large equipment. In addition to the aboveground storage tanks that are used to store fuels, lubricants, and other hazardous fluids associated with use and maintenance of the large equipment, there is potential for impacts to surface soils and stormwater runoff related to the spills, drips, overfills, leaks, and stains from fluids from the large equipment. There is also large equipment stored and maintained at Debcon Water System Specialists, Welch Construction, MK Weeden Construction, and Moodie Implement.

Throughout the proposed project site there are other facilities that may have small quantities of hazardous liquids and drums. Additionally, several properties adjacent to the proposed project site have hazards more often associated with rural property – property tanks, septic systems, and associated underground piping. There is also potential for the hay and grazing land adjacent to the proposed project site to have runoff that includes pesticides and herbicides.

### ***Mitigation***

If constructed, a field engineer will be on-site and observe excavations adjacent to the sites of concern in case any contaminated soils are encountered. Soils in areas of potential contamination will be monitored for the presence of volatile organic vapors using a photo-ionization detector (PID), or an equivalent instrument. As noted previously, the site near the Century Construction access is of concern and will be monitored. The status and monitoring results of these sites will be reviewed prior to construction to provide the most current information.

Likely mitigation practices for soils potentially contaminated with hydrocarbons, if encountered, include direct disposal or an on-site application treatment (land farming). Disposal of soils potentially contaminated with hydrocarbon fuel compounds will be done in accordance with guidance and approvals obtained from MDEQ and Fergus County, which are decided on a case-by-case basis. Special Provisions will be included in the contract documents to address the monitoring and handling of potentially contaminated soils.

## **3.15 Visual**

Visual impacts from the Build Alternatives would be associated with the following factors:

- elimination of the overpass;
- substantial fill areas; and
- proposed new approach ways.

Any visual changes would be the direct result of changes in the roadway profile, potential removal of the overpass structure, widening of shoulders, and flattening of side slopes. The majority of these impacts would be minimal, and noticeable only to the traveler on US 87. The potential removal of the overpass represents the greatest visual impact, which could be considered an improvement as it provides an opportunity to improve the panoramic views in the immediate project area.

### ***Mitigation***

Common practices for revegetation to reintroducing desirable plant species, creating pockets in newly graded slopes for plantings, and revegetating in ways that did not result in a linear edge could provide mitigation for any minor visual impacts associated with the proposed roadside work.

## **3.16 Construction Impacts**

Construction activities from the proposed Build Alternatives would cause temporary inconveniences to area residents and recreational travelers. These would occasionally result in longer travel times, detours, temporary closures, and noise and dust due to the use of heavy machinery. These disruptions would occur intermittently throughout the construction period. The existing highway would remain in use for continued access during the construction process; therefore, traffic interruptions would be minimized.

Asphalt plants and gravel crushers that may be required for roadway construction for any of the alternatives will require air quality permits to be obtained by the contractor. Construction activities are also required to use dust suppression and control measures to minimize short-term impacts related to construction dust.

There would be minor, temporary noise impacts related to construction of any of the alternatives. During construction, surface water runoff could be contaminated by spills of petroleum products, lubricants, and hydraulic fluid from construction equipment.

### ***Mitigation***

The project's contractor will be subject to all state and local laws to minimize construction noise by having mufflers on all equipment. Dust control will also be implemented by using either water, or another approved dust-suppressant. There will be a spill prevention and emergency containment plan made to provide for mitigation of any impacts related to such spills. In general, Best Management Practices will be used to minimize the effect of sedimentation and/or run-off during the roadway construction periods.

There is potential for short-term water quality impacts due to increased erosion and sedimentation during construction activities. Mitigation measures such as erosion control, settling basins, silt fences, etc., will be included in the Storm Water Pollution Prevention Plan (SWPPP) to ensure that any impacts are minimal.

All advance warning and detour signing would be in accordance with the Manual on Uniform Traffic Control Devices. Therefore, construction impacts from any of the proposed Build Alternatives will be minimized.

### **3.17 Cumulative Impacts**

#### **Utilities**

Any utility relocations would be coordinated with the lines' owners, and done prior to this proposed project's construction. Notification of service interruptions due to these relocations will be the responsibility of these utility lines' owners. Each of the disruptions are normally minor and are usually limited to the customers on the affected lines.

#### **Pending Railroad Removal**

The BNSF railroad has announced its intention to end its rail service from Moore to Lewistown and has identified the line for possible abandonment on its System Diagram Map. BNSF will continue to provide rail service for a period of not less than five years from Moore to a site to be determined southwest of the airport. As part of the settlement between BNSF and the community of Lewistown, the railroad is responsible for the removal of the trackage and timbers throughout the inactive line, as well as reclamation of the rail crossings in town. MDT has no responsibility in this activity; however, as mitigation for the loss of rail service to Lewistown, MDT has agreed to purchase a half-section (320 acres) of property southwest of the airport that has rail frontage. Pursuant to an agreement between MDT and the Lewistown community, this property is to be developed as an industrial park or to serve the larger public good. The timing and scale of this development are uncertain at this time, but large-scale development could have a localized impact on such things as stormwater runoff and traffic operations with the construction of new roadways and other impervious surfaces. Without knowing what types of development would be involved, it is impossible to make a determination of impacts to other social, economic, or environmental concerns; however, given the natural character of the property, there would be no floodplain, farmland, T&E, cultural, hazardous waste, wetlands, or wildlife impacts anticipated. Access to the site would be from the County Road and/or US 87 west of the airport. A copy of the Agreement is included in Appendix C.

#### **Other Pending Actions**

##### **Main Street and 1<sup>st</sup> Avenue Signal and Turn Lanes, in Lewistown**

MDT currently has an action pending on P-43, a Minor Urban Arterial in Lewistown. The local street name is 1st Avenue North, and the project area begins at RP 0.000 and ends at RP 0.312. A Traffic Safety Enhancement project, STPP-NH 7199(), has been nominated (#12010) for this project area. The project is intended to address several recommendations from an earlier traffic study on the 1st Avenue corridor from Kendall Road through the Main Street intersection. These recommendations include the following:

- Eliminate parking on 1st Avenue from Janeaux to Kendall Road. The width of the roadway would remain as is, and a two-way, left-turn lane would replace parking;
- Add traffic signals at the intersections of 1st and Main and 1st and Boulevard; and

- Modify radii and realign/add turn lanes at the intersections of 1st and Main and 1st and Kendall Road.

All widening required at the intersections for new turn lanes would be included in the signal project. Permanent markings would implement the recommendations of the traffic study.

This Traffic Safety Enhancement project is approximately 2.41 km (1.5 mi) west of the Lewistown city limits.

#### **Lewistown to Grass Range Corridor Study - Environmental Assessment**

MDT is in the process of completing an EA for the proposed reconstruction and widening of US 87 from Lewistown to Grass Range, in Fergus County. The project is approximately 47.5 km (29.5 mi.) in length with the western terminus of the project just west of the intersection of Meadowlark Lane at the east city limits of Lewistown, and the eastern limit at the intersection of MT 19 just north of Grass Range. The roadway is proposed to be reconstructed to a 12.2 m (40 ft.) paved width including 2.4 m (8.0 ft.) shoulders. Proposed project impacts include filling 3.0 ha (7.5 ac) of wetlands, impacts to four NRHP-eligible sites and a mining district, 20.9 ha (71.6 ac) of prime farmland, and 227.1 ha (561.2 ac) of new right-of-way. The EA for the project has been released concurrently with the Lewistown West – Overpass EA.

#### **Bypass Feasibility Study**

MDT also conducted a feasibility study to assess the need for a bypass on the northeast side of Lewistown. The bypass was intended to reroute truck traffic by connecting US 87/MT 200 to US 191. Pass-through trucks would then be directed to use this route as an east/west connector, and as a northeast/southwest connector. There is a perception among some Lewistown residents that truck traffic is increasing, and that truck traffic is causing safety concerns and operational problems within town. The results of the study found that 14 percent of the total trips entering Lewistown are pass-through trips. The remaining trips (86 percent) are shown to have in-town purposes or destinations. Based on the fact that the vast majority of the truck trips in Lewistown have a destination within town, it was determined that a bypass would not achieve the desired result of re-routing traffic around Lewistown, and was thus unnecessary.

#### **Lewistown West Reconstruction**

MDT is currently developing reconstruction alternatives for analysis which will be presented to the public at an informational meeting in June 2003. Impacts from the proposed project are expected to be documented under a Categorical Exclusion.

Each of the above projects has safety enhancement and improved operations as key objectives. Their implementation could have positive cumulative effects on safety, but it is unlikely that they would have cumulative environmental impacts because of their distance from each other. There are no other MDT projects in the Lewistown area that would contribute to significant cumulative impacts when considered in conjunction with this proposed project.

None of the alternatives assessed would induce significant land use changes or promote unplanned growth. Under all of the Build Alternatives, access to fields and private residences would continue to be provided, although potentially modified. Access changes are not expected to adversely impact existing or future businesses. Consultation with affected property owners would occur prior to completion of final design to minimize impacts to business operations.



Provision of a reconstructed and upgraded roadway under any of the Build Alternatives would result in positive impacts of improved access for all area residents, businesses, travelers, and service and emergency vehicles, which rely heavily on US 87. These improvements would not be provided under the No-Build Alternative.

### 3.18 Permits Required

The proposed action would be in compliance with both the water quality provisions of 75-5-318 M.C.A. for Section 3 (a) authorizations, and stream protection under Sections 87-5-501 through 509 M.C.A., inclusive. An on-site review of the proposed project area with representatives from MFWP and MDT will be scheduled if necessary. All comments, suggestions, and/or conditions resulting from review of existing data and/or on-site inspections would be documented, included in the proposed project's files, and taken into consideration during development of the final design specifications.

The proposed action would require the following permits or authorizations under the Clean Water Act (33 U.S.C. 1251-1376, as amended):

- A Section 402/Montana Pollutant Discharge Elimination System (MPDES) authorization from the MDEQ's Permitting & Compliance Division. The Build Alternatives would require new right-of-way and require an MPDES construction phase permit, which is issued in response to the 1987 re-authorization of the Clean Water Act. The Clean Water Act requires the U.S. Environmental Protection Agency to institute a National Pollutant Discharge Elimination System (NPDES) permitting program for storm drainage systems or to approve the state's programs. EPA approved Montana's program in 1987.

Obtaining the MPDES permit requires development of a Storm Water Pollution Prevention Plan (SWPPP) that includes a temporary erosion and sediment control plan. The erosion and sediment control plan identifies BMP's as well as site-specific measures to minimize erosion and prevent eroded sediment from leaving the work zone.

- A Section 404 permit from the U.S. Army Corps of Engineers and determination whether this project qualifies for a nationwide permit under the provisions of 33 CFR 330. Projects impacting waters of the U.S. (including wetlands and special aquatic sites) require a Section 404 permit.

All work would also be in accordance with the Water Quality Act of 1987 (P.L. 100-4), as amended.

## 4.0 SECTION 4(F) EVALUATION

Section 4(f) of the *U.S. Department of Transportation Act of 1966* (49 U.S.C. 303) declares that it is national policy for federally funded highway actions to make a special effort to preserve sites on or eligible for the NRHP, publicly owned parks and recreation areas, or wildlife/waterfowl refuges or management areas. The use of such land for a transportation project is permitted only when FHWA has determined that there is no reasonable or prudent alternative to that use, and that the project includes all possible planning to minimize harm to the resource resulting from such use.

This project is subject to the provisions of Section 4(f) due to the removal of the Milwaukee Road Overpass and the **Adverse Effect** determination by SHPO. The current condition of the structure necessitates its upgrade or reconstruction; however, termination of rail service along this portion of the BNSF railroad line crossing the highway west of Lewistown eliminates the need for the overpass structure entirely.

### 4.1 Description of the 4(f) Resource

The Milwaukee Road Overpass was constructed over the Milwaukee Road Railroad in 1935. The structure is a three-span, reinforced concrete T-beam bridge carrying US 87 over the grade of the current Burlington Northern & Santa Fe railway. The structure is pictured below.



This overpass west of Lewistown is an excellent example of the type of monumental railroad grade separation structures constructed by the Montana State Highway Commission in the 1930s as part of the Works Progress Grade Crossing Program. Unlike most of the other major projects of this sort in Montana during the 30s, this one is well documented with the construction records still in existence.

Metal guardrails have been added to the structure within the last 50 years, but do not significantly detract from the overall integrity of the structure or its setting.

### 4.2 Impacts on the 4(f) Resource

The existing structure has a sufficiency rating of 36.4, is functionally obsolete, and eligible for replacement. This project was initiated to identify whether rehabilitation, replacement, or removal of the structure was the most reasonable alternative.

Four alternatives were developed for the re-design of the truck bypass/railroad overpass area on US 87, one of which kept the overpass in place if the railroad were to remain active. Since the BNSF has indicated that they intend to discontinue service to Lewistown in the future,

rehabilitation or replacement of the structure would no longer be necessary and the overpass will be removed.

#### **4.3 Avoidance and Minimization of Harm**

Due to the separate decision on the part of BNSF to terminate service along this portion of the rail line, MDT and FHWA have no justification to leave a deteriorating structure in place.

Due to the size and construction of the structure, it is not feasible to relocate the structure but it will be offered for adoption to fully comply with federal law.

#### **4.4 Coordination**

MDT prepared an evaluation of the structure in 2000, and has coordinated this proposed project with SHPO.

MDT will follow the Programmatic Agreement (contained in Appendix B) with regard to historic roads and bridges.

This Draft Section 4(f) Evaluation is being circulated for additional comment.

#### **4.5 Conclusion**

Based on the above considerations, there is no feasible or prudent alternative to the removal of the existing structure, and the proposed action included all possible planning to minimize harm to the structure if it were to be maintained.

## 5.0 LIST OF PREPARERS

The responsibilities and qualifications of the consultant team that prepared the Lewistown-West Overpass Environmental Assessment are listed below:

Preparer/Affiliation	Role	Education and Experience
Dale Paulson Program Development Engineer FHWA	Lead Agency	B.S., Civil Engineering. Program development engineer and team leader for the statewide program areas of environment, planning, safety and design, right-of-way and materials. Over 30 years experience in highway engineering, environmental review, and project management.
Alan Woodmansey, P.E. Operations Engineer FHWA	Lead Agency	B.S. Environmental Engineering, M.S. Engineering Management. Eight years experience in transportation engineering.
Bruce H. Barrett Billings District Administrator MDT	Lead Agency, Project Management, Public Participation	37 years with MDT, with experience in construction, equipment, and maintenance.
Karl M. Helvik, P.E. Consultant Design Engineer MDT	Lead Agency, Project Manager	B.S., Agricultural Engineering. Former MDT Engineering Bureau chief responsible for environmental documents, stormwater runoff, water quality permits, and consultant contract administration. Responsible for MDT project management. Over 20 years experience in highway and transportation design, project management, and environmental compliance.
Dave Hill Environmental Services Manager MDT	Lead Agency, Project Management	B.S., Wildlife Biology. Fourteen years experience working in a variety of professions related to the environment including: water quality permitting and compliance, project management, biological impact analysis and mitigation, and environmental analysis and review. Over five years experience with MDT.
Jean A. Riley, P.E. Engineering Section Supervisor, Environmental Services MDT	Lead Agency, Project Management	B.S., Civil Engineering. Over 6.5 years experience in environmental in coal mining, 11.5 years with DEQ in environmental compliance and regulatory requirements, and 4+ years with MDT in project management and environmental.
Gary Neville, P.E. Billings District Engineer MDT	Lead Agency, Public Involvement	A.S., Civil Engineering Technology. Over 20 years of experience in Transportation in the Engineering, Management & Construction field; 17 years with MDT, and 5 years in the private Consulting and Construction sector.
Darryl L. James, AICP HKM Engineering, Inc.	Project Management, Public Participation, Project Documentation	M.P.A., with an Environmental Concentration; B.A., Public Affairs and Political Science. Senior consultant with 10 years of professional experience. Expertise in transportation planning, NEPA analysis, and technical report writing.
Kathleen L. Collins, AICP BRW, Inc.	Project Coordination, Socioeconomic Conditions, Pedestrian and Bicycle, Document Preparation	Masters, Urban Regional Planning; B.A., Mathematics. Transportation Planner with three years experience in environmental technical documentation, public involvement, and community development.
Jennifer Peterson HKM Engineering, Inc	Project Coordination, Document Preparation	B.S., Civil Engineering. Over four years experience in environmental technical documentation, public involvement, and traffic engineering.
Jan Newton, Ph.D.	Public Involvement, Document Preparation	Ph.D., Economics. Senior Project Manager with over 30 years experience in economic impact analysis and studies, NEPA documentation and report preparation, public involvement, and QA/QC.

Preparer/Affiliation	Role	Education and Experience
Dave Hedstrom, P.E. BRW, Inc.	Hydrology and Hydraulics	B.S., Civil Engineering. Water Resources Engineer with 12 years of experience in hydrology and hydraulics related to transportation, including watersheds, and structure opening analysis, river and floodplain modeling, and scour evaluation.
Shaun D. O'Connor BRW, Inc.	Preliminary Roadway Design	Bachelor of Technology in Design. Senior Designer with over 18 years of experience in highway design and plan development.
David Hilliard, P.E. URS Corp.	Preliminary Design Alternatives	B.S., Civil Engineering; A.A., Mathematics. Roadway engineer with 15 years experience in design of rural and urban roadway improvement projects, including involvement in environmental corridor and feasibility studies.
Kirk Eakin BRW, Inc.	Biological Resources, Wetlands	B.S., Fish & Wildlife Science. Senior Biologist with 13 years of experience in fish and wildlife surveys, threatened and endangered species surveys, biological assessments, wetland delineations and evaluations, and environmental technical documentation. Worked five years as a Project Biologist for MDT Environmental Services.
Mary McCormick RTI, Inc.	Cultural/Historic Resources	M.A., History/Historic Preservation. Senior Historian with over 20 years in cultural resource management, including the recordation and evaluation of archaeological and historic properties. Project manager on numerous cultural resource inventories of highway right-of-ways and other linear-type corridor facilities. Eight years of experience on MDT projects.
Carol Lee-Roark, Ph.D. Hyalite Environmental, LLP	Hazardous Waste/ Water Quality	Ph.D., Geology. Over 20 years experience in scientific investigations and NEPA compliance, focussing on environmental and natural resource issues.
Sean Connolly Big Sky Acoustics	Noise Analysis	M.S., Mechanical Engineering. Acoustical Engineer with 7 years experience conducting noise studies and environmental noise assessments related to NEPA documentation and transportation projects.
Chris Thelen, P.E. Hyalite Environmental, LLP	Hazardous Waste/ Water Quality	M.S., Environmental Engineering; B.S., Civil Engineering. Experience in environmental NEPA compliance including Phase I/II site assessment, water quality assessment, wetland delineation/mitigation and environmental permitting.

## 6.0 DISTRIBUTION LIST

### Federal Agencies

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U.S. Army Corps of Engineers  
Helena Regulatory Office  
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Helena, MT 59602  
Attn: Allan Steinle  
Montana Program Manager

U.S. Department of the Interior  
Fish & Wildlife Service  
Montana Field Office, 100 N. Park, Suite #320  
Helena, MT 59601  
Attn: Mark Wilson, Field Supervisor

U.S. Department of Agriculture  
Natural Resources Conservation Service  
211 McKinley Street  
Lewistown, MT 59457  
Attn: Ted Hawn, District Conservationist

U.S. Department of the Interior  
Fish & Wildlife Service  
2900 4th Avenue North, Room 301  
Billings, 59101-1266  
Attn: Lou Hanebury, Biologist

U.S. Environmental Protection Agency  
Region VIII, Montana Office  
Federal Building, 10 NW 15<sup>th</sup> Street, Suite 3200  
Helena, MT 59626-0096  
Attn: John F. Wardell, Director

### State Agencies

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Montana Department of Environmental Quality  
1520 East 6<sup>th</sup> Avenue, P. O. Box 200901  
Helena, MT 59620-0901  
Attn: Thomas Ellerhoff  
Director's Office

Montana Department of Natural Resources &  
Conservation  
Northeastern Land Office  
613 NE Main Street  
P.O. Box 1021  
Lewistown, MT 59457  
Attn: Barney D. Smith, Lewistown Unit Manager

Montana Department of Natural Resources &  
Conservation  
1625 11<sup>th</sup> Avenue  
P.O. Box 201601  
Helena, MT 59104-0437  
Attn: Bud Clinch, Director

Montana Environmental Quality Council  
Office of the Director  
Capitol Post Office  
P. O. Box 215  
Helena, MT 59620

Montana Fish, Wildlife & Parks  
4600 Giant Springs Road  
Great Falls, MT 59405  
Attn: Mike Aderhold, Regional Supervisor  
Steve Leathe, Fish Manager  
Graham Taylor, Wildlife Manager

Montana Governor's Office  
Executive Office  
Room 204, State Capitol  
Helena, MT 59620-0801  
Attn: Judy Martz, Governor

Montana State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
P.O. Box 201202  
Helena, MT 59620-1202  
Attn: Dr. Mark Baumler, Historian

Montana Fish, Wildlife & Parks  
1420 East Sixth Avenue  
P.O. Box 200701  
Helena, MT 59620-0701  
Attn: M. Jeff Hagener, Director  
Glenn R. Phillips, Chief of Habitat and  
Protection Bureau Fisheries Division

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**State Agencies (Continued)**

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Montana Fish Wildlife & Parks  
Lewistown Area Resource Office  
P.O. Box 938, 2358 Airport Road  
Lewistown, MT 59457  
Attn: Anne Tews, Fisheries Biologist  
Tom Stivers, Wildlife Biologist

Montana State Library  
1515 East 6<sup>th</sup> Avenue, P.O. Box 201800  
Helena, MT 59620-1800  
Attn: Roberta Gebhardt  
Collections Management Librarian

Montana Transportation Commission  
2037 Ridgeview Drive  
Billings, MT 59105-3636  
Attn: Meredith Reiter, Commissioner

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**Local Agencies**

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City of Lewistown  
305 West Watson  
Lewistown, MT 59457  
Attn: Kevin Myhre, City Manager  
Duane Ferdinand, Planning Director

Fergus County Commissioners  
712 West Main Street, 2<sup>nd</sup> Floor  
Lewistown, MT 59457  
Attn: Vernon Petersen, County Commissioner

Fergus County Planning Office  
712 West Main Street  
Lewistown, MT 59457  
Attn: Linda Gillett, Fergus County Planning  
Director

Lewistown City Commissioners  
505 West Main Street, Suite 209  
Lewistown, MT 59457  
Attn: Brad Parrish, Chairman Commissioner

## **7.0 COMMENTS AND COORDINATION**

### **7.1 Public Agencies**

MDT contacted the following agencies and parties in preparing this EA.

#### **Agencies with Jurisdiction and/or Permitting Authority**

Advisory Council on Historic Preservation (ACHP, reviewed "Determinations of Effect")  
Department of the Interior - U.S. Fish & Wildlife Service (USFWS)  
Fergus County (FEMA Floodplain Development Permit, Weed Control District)  
Montana Department of Environmental Quality (MDEQ, MPDES authorization)  
State Historic Preservation Office (SHPO, reviewed/concurred with "Determination of Effect")  
U.S. Army Corps of Engineers (COE, Clean Water Act - Section 404 Permit)  
U.S. Environmental Protection Agency

#### **Other Agencies, Groups, or Persons Contacted**

Fergus County Commissioners  
Fergus County Planning Director  
Grass Range Town Council  
Lewistown Planning Director  
Lewistown City Manager  
Lewistown City Commissioners  
Lewistown Public Works Director  
Lewistown School District, Transportation Planner  
Montana Department of Natural Resources & Conservation (DNRC)  
U.S. Department of Agriculture - Natural Resources Conservation Service (NRCS)

### **7.2 Public Involvement**

#### **Public Meeting**

A public meeting was held in Lewistown on March 13, 2002. The meeting took place from 6 pm to 8pm in Lewistown at the Yogo Inn. Forty-six people attended the meeting. The meeting format included an open house, formal presentation, and a question/comment period. The purpose of the meeting was to introduce the project, get public input on design alternatives for safety improvements to the intersections of US 87/Truck Bypass and US 87/Airport Road, along with the segment of US 87 in between.

#### **Press Release and Mailing**

A press release announcing the public meeting occurred on Saturday, March 9, 2002 in the *Lewistown News Argus*. The meeting date and time was also broadcast on the local radio station KXLO/KCLM.

Approximately 500 postcards were mailed out in the Lewistown area on February 28, 2002. In addition, postcards were mailed out to federal and state agencies with jurisdiction, and local policymakers. The postcards announced the date, time and place of the public meeting and



indicated the purpose of the meeting, which was to get public input on concerns relating to US 87 between the truck bypass and Airport Road.

### **Railroad Coordination**

While MDT and FHWA did not play a direct role in the coordination of the railroad's service decisions, a representative of the Lewistown – West Overpass project did attend several meetings between BNSF and the Lewistown community. These meetings were held to discuss the options available to Lewistown with regard to the continuation of rail service by a short line operator, or the ultimate disposition of the existing railroad materials and right-of-way.

### **Additional Public Involvement Events**

A Public Hearing to obtain comments on this Environmental Assessment is scheduled to be held at the Yogo Inn, in Lewistown, in the fall of 2003.

## APPENDICES

**A. SHPO Concurrence on Cultural Resources**

RECEIVED

2002112501



DEC 11 2002

Montana Department of Transportation

David A. Galt, Director

Judy Martz, Governor

ENVIRONMENTAL

2701 Prospect Avenue  
PO Box 201001  
Helena MT 59620-1001

November 22, 2002

Mark Baumler  
State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
P.O. Box 201202  
Helena, MT 59620-1202

Subject: NH 57-2(30)70  
Lewistown - West Overpass  
Control No. A066

CONCUR  
MONTANA SHPO

DATE 9 Dec 02 SIGNED

Joseb  
MDT  
Lewistown-  
West Overpass

Enclosed is the Determination of Effect for the above project at Lewistown. We have determined that the proposed project would have **No Effect** to the NRHP-eligible Western Aire Drive-In Theater (24FR969) and an **Adverse Effect** to the Milwaukee Road Overpass (24FR803) for the reasons specified in the document. We request your concurrence. We will follow the Historic Roads and Bridges PA for the bridge except that it would not be offered for adoption as it is not economically or physically feasible to relocate the multi-span reinforced concrete bridge. Instead, we have proposed the MDT contribute \$5,000 to the Montana Historical Society Press to help fund the publication of a planned book on Montana's historic bridges.

If you have any questions, please contact me at 444-6258.

Jon Axline

Jon Axline, Historian  
Environmental Services

Enclosure

cc: Bruce Barrett, Billings District Administrator  
Carl Peil, P.E., Preconstruction Bureau  
Gordon Stockstad, Resources Section



Montana Department of Transportation

2701 Prospect Avenue  
P.O. Box 201001  
Helena MT 59620-1001

David A. Galt, Director  
Judy Martz, Governor

2002080219

August 1, 2002

Mark Baumler  
State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
P.O. Box 201202  
Helena, MT 59620-1202

Subject: NH 57-3(30)70  
Lewistown - West Overpass  
Control No. A066

REC'D - Lewistown West Overpass  
AUG 02 2002  
BY \_\_\_\_\_

Enclosed is the cultural resource report, CRABS, and site forms for the above highway reconstruction and bridge replacement project in Lewistown. RTI, Inc. recorded two historic sites within the Area of Potential Effect for this project. They recommend only the Western Aire Drive-In Theater (24FR969) eligible for the National Register of Historic Places under Criteria A and C. We agree with that recommendation and request your concurrence. In addition, the Milwaukee Road Overpass (24FR803) has been determined eligible for the National Register. The Milwaukee Road Railroad (24FR411) is covered under a programmatic agreement and no Determination of Eligibility for Section 106 purposes is necessary.

If you have any questions, please contact me at 444-6258.

*Jon Axline*  
Jon Axline, Historian  
Environmental Services

**CONCUR  
MONTANA SHPO**

DATE 20 Aug 02 SIGNED *Jon Axline*

Enclosures

cc: Bruce Barrett, Billings District Administrator  
Carl Peil, P.E., Preconstruction Bureau  
Gordon Stockstad, Resources Section

*file MDT/2002*

## **B. Programmatic Agreement**

**RECEIVED**

**SEP 28 2001**

**ENVIRONMENTAL  
PROGRAMMATIC AGREEMENT  
AMONG**

**THE FEDERAL HIGHWAY ADMINISTRATION  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
AND  
THE MONTANA STATE HISTORIC PRESERVATION OFFICE  
AFFECTING HISTORIC ROADS AND BRIDGES  
IN MONTANA**

WHEREAS, the Federal Highway Division, Montana Division (FHWA), proposes to make Federal funding available to the Montana Department of Transportation (MDT) for that agency's on-going program to construct or rehabilitate highways and bridges, and

WHEREAS, the FHWA has determined that this federally-assisted program may have an affect upon a certain class of properties included in or eligible for inclusion on the National Register of Historic Places and has consulted with the Advisory Council on Historic Preservation (Council) and the Montana State Historic Preservation Office (SHPO) pursuant to Section 800.14 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the FHWA and the MDT have developed a Historic Preservation Plan (HPP) regarding roads and bridges and that document has been subject to review under 36 CFR 800.14 and has been agreed to by FHWA, SHPO and the Council; and

WHEREAS, this Programmatic Agreement supercedes the original Agreement (implemented July 17, 1997) and the amendment to that Agreement (implemented January 21, 1999); and

WHEREAS, the MDT participated in the consultation and has been invited to concur in this Programmatic Agreement; and

WHEREAS, all references within this Programmatic Agreement are to the Council's regulations that became effective on January 11, 2001;

NOW THEREFORE, the FHWA, the Council, and the Montana SHPO agree that the program addressed in this Programmatic Agreement shall be administered in accordance with the following stipulations to satisfy the FHWA's Section 106 responsibility for all individual undertakings of the program.

**Stipulations**

The FHWA will ensure that the following measures are carried out:

- 1) The FHWA and MDT will comply with 36 CFR §§ 800.4 through 800.6 in regard to determining eligibility of historic-age bridges. The Historic Preservation Plan

will apply only to those bridges determined eligible for the National Register of Historic Places (NRHP).

- 2) The FHWA and MDT will implement the roads and bridges HPP in lieu of compliance with 36 CFR 800 in regards to trails, roads, and highways in Montana that were constructed after 1859.
- 3) The MDT, in consultation with SHPO, will develop NRHP Multiple Properties Documents regarding specific bridge types to assist the FHWA, SHPO, and MDT in assessing the NRHP eligibility of bridges. The documents will include reinforced concrete, steel stringer, steel girder, and all post-1936 steel truss bridges not included in the MDT's 1985 inventory.
- 4) For all NRHP-eligible bridges offered for adoption under the HPP for which new owners are not found, Historic American Engineering Record (HAER) – level recordation will be completed before the bridge is demolished.
- 5) FHWA will carry out the existing MOA's to preserve or record historic bridges that are now scheduled for replacement.
- 6) The MDT will continue to record and assign Smithsonian trinomial site numbers to segments of historic-age trails, roads, and highway located within the Area of Potential Effect (APE) of the MDT's undertakings. Where particular trail, road and highway segments involve features of historic significance on a statewide or national level, the MDT will consult with SHPO to develop a plan to avoid or incorporate the property into the agency's undertaking as specified in Part VI, Section 4 of the existing Roads and Bridges Historic Preservation Plan (See Attachment One).
- 7) The MDT has acquired a 2± mile (10,560± linear feet) segment of the Mullan Military Road (24MN133) in Mineral County, Montana. The road has been preserved and will be developed as a historic recreational/interpretive trail. The MDT will provide funding toward the development and interpretation of the road and list the segment on the National Register of Historic Places. The interpretive plan for the road will be developed in cooperation with the Montana SHPO, the Lolo National Forest, and the Salish-Kootenai Tribal Preservation Office.
- 8) The MDT will provide funding for the installation of five roadside interpretive markers describing the history and significance of pre-1913 trails and roads that are adjacent to Montana's existing primary and secondary highway system. The marker locations will be determined by MDT and the Montana SHPO.
- 9) This Programmatic Agreement will remain in force for as long as the roads and bridges HPP is in force or unless Stipulation 13 of this Agreement is invoked.

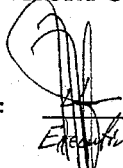


- 10) The MDT will prepare a report biennially on its implementation of the HPP, and provide this report to the FHWA, Montana SHPO, and the Council for review, comment and consultation if needed.
- 11) The Council and the SHPO may monitor activities carried out pursuant to this Programmatic Agreement, and the Council will review such activities if so requested by a signatory to this Agreement or by a member of the public. FHWA will cooperate with the Council and the SHPO in carrying out their monitoring and review responsibilities as stipulated in 36 CFR 800.13.
- 12) Any party to this Programmatic Agreement may request that it be amended, whereupon the parties consult in accordance with 36 CFR 800.13 to consider such an amendment.
- 13) Any party to this Programmatic Agreement may terminate it by providing, in writing, forty-five (45) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek arrangement on amendments or other actions that would avoid termination. In the event of termination, FHWA will comply with 36 CFR Part 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.
- 14) Should the Montana SHPO object within sixty (60) days to any action proposed pursuant to this Historic Preservation Plan, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall forward all documentation relevant to the dispute to the Council. Within thirty (30) days after receipt of all pertinent documentation, the Council will either:
  1. provide the FHWA and Montana SHPO with recommendations, which the FHWA and Montana SHPO will take into account in reaching a final decision regarding the dispute; or
  2. notify the FHWA and Montana SHPO that it will comment pursuant to 36 CFR § 800.6(b), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the FHWA and Montana SHPO in accordance with 36 CFR § 800.6(c)(2) with reference only to the subject of the dispute; the FHWA and MDT's responsibility to carry out all actions under this Historic Preservation Plan that are not the subjects of the dispute will remain unchanged.
- 15) At any time during implementation of the measures stipulated in this Agreement and/or Historic Preservation Plan, should any objection to any such measure or its manner of implementation be raised by a member of the public, the FHWA shall take the objection into account and consult as needed with the objecting party, the SHPO or the Council to resolve the objection.

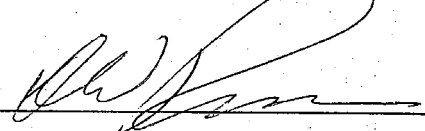
- 16) In the event that the FHWA does not carry out the terms of this Programmatic Agreement, the FHWA will comply with 36 CFR §§ 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

Execution and implementation of this Programmatic Agreement evidences that the FHWA has satisfied its Section 106 responsibilities for all individual undertakings of the program.

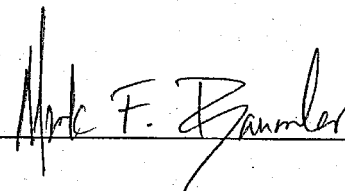
ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  \_\_\_\_\_ Date: 11/22/01  
(for) Executive Director

MONTANA DIVISION, FEDERAL HIGHWAY ADMINISTRATION

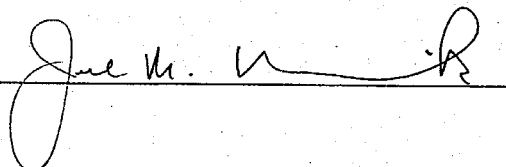
By:  \_\_\_\_\_ Date: 10-2-2001

MONTANA STATE HISTORIC PRESERVATION OFFICER

By:  \_\_\_\_\_ Date: 9/26/2001

CONCUR

MONTANA DEPARTMENT OF TRANSPORTATION

By:  \_\_\_\_\_ Date: 8/23/01

### **C. Memorandum of Agreement**

## MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT made and entered into this 17<sup>th</sup> day of April, 2003, by and between the STATE OF MONTANA, acting by and through its Department of Transportation (hereinafter "MDT") and the City of Lewistown (hereinafter "City") and Fergus County (hereafter collectively referred to as "City/County").

### WITNESSETH:

That, whereas, MDT is planning a proposed highway project known as Lewistown West – Overpass (NH 57-2(30); CHA066) (hereinafter "project"), and

WHEREAS, one alternative for the proposed project is the removal of the existing Burlington Northern and Santa Fe (hereinafter "BNSF") railroad overpass on the west end of the City, in conjunction with the termination of the BNSF rail service across Highway Right of Way; and

WHEREAS, the elimination of the railroad overpass will result in cost savings to MDT and increased safety for the public; and

WHEREAS, termination of the BNSF rail service across Highway Right of Way will result in the loss of rail access to a number of commercial and industrial properties within the City; and

WHEREAS, the parties desire to provide for the loss of such rail access.

NOW, THEREFORE, for and in consideration of the promises and the covenants herein contained, the parties agree as follows:

1. If BNSF reaches an agreement with the City/County regarding rail service from Moore to the City whereby the above described overpass will be eliminated as well as the at-grade crossings within the City as provided above, then MDT agrees to provide mitigation for the impacts to the City/County from the above-mentioned loss of rail access. The agreement between the City/County and BNSF must provide that BNSF will provide a minimum of five (5) years of rail service to the proposed commercial and industrial park described below.

2. If such an agreement regarding rail service is reached between BNSF and the City/County, then MDT will make every reasonable effort to acquire for Fergus County approximately 322 acres of land located within the following legal description:

E ½, T15N, R15E, P.M.M., Fergus County, Montana.

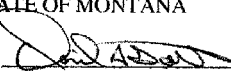
3. MDT will make every reasonable effort to acquire the above-described property, but MDT will not use its condemnation authority for the acquisition. If the land is acquired, MDT will provide for a water well upon the above-described site.

4. Fergus County will accept ownership of the above-described site, and the City/County will accept the County's ownership of the property as full mitigation for loss of the rail service described herein.

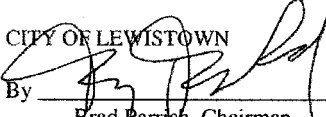
5. The City/County will develop the site described above as a commercial and industrial park as mitigation for the loss of commercial and industrial railroad frontage property.

6. Any use of the site described above must be for the general public good. If any or all of the property is ever sold by Fergus County, then the revenue must be used for public purposes.

STATE OF MONTANA

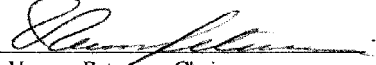
By   
David A. Galt  
Director of Transportation

CITY OF LEWISTOWN

By   
Brad Parrish, Chairman  
Lewistown City Commission

  
Approved for Legal Content

COUNTY OF FERGUS

BY   
Vernon Peterson, Chairman  
Fergus County Commissioners

z:da:Lewistown Agreement 2

## **D. Sources and Supporting Documents**

### **Websites**

Census Bureau

1990 <http://venus.census.gov/cdrom/lookup/>

Census and Economic Information Center, Montana Department of Commerce

2001 <http://commerce.state.mt.us/ceic/demog/mtbynumb.htm>

Montana Department of Environmental Quality

2001 <http://water.montana.edu/docs/tmdl/303d/303dlist.htm>

Montana Natural Heritage Program

2001 <http://nris.state.mt.us/mtnhp/index.html>

United States Department of Agriculture, Natural Resource Conservation Service

2001 <http://www.mt.nrcs.usda.gov/soils/mtsoils.html>

U.S. Department of Commerce, Bureau of Economic Analysis

2001 <http://www.fs.fed.us/rl/planning/econ/easy/library/>

### **Technical Documents/Mapping**

Benchmark Mapping Services, Inc.

2000 Aerial Photographs of US 87 Lewistown

Big Sky Acoustics

2002 Lewistown-West Overpass Noise Analysis

Hyalite Environmental, LLP

2002 Initial Site Assessment Lewistown-West Overpass

Montana Department of Transportation

2000 Preliminary Threatened and Endangered Species, and Biological Resources Report,  
Lewistown-West Overpass Project

Renewable Technologies, Inc.

2002 A Cultural Resource Inventory of the Proposed Lewistown-West Overpass Project  
Fergus County, Montana

United States Geological Survey

1986 Quadrangle, Fergus County Montana: *Lewistown*

URS/BRW

2002 Lewistown-West Overpass Draft Hydrology Report

URS Corporation

2001 Lewistown Bypass Feasibility Study

## **Planning Documents**

City of Lewistown Department of Planning and Historic Preservation

2000    Draft Lewistown and Vicinity Growth Policy

Clark, Coleman, & Rupeiks, Inc.

1971    *Comprehensive Plan for Lewistown, Montana*

Johnson, Dave

1998    *Proposed Commercial Vehicle Bypass Route for the City of Lewistown, Montana*

Morrison-Maierle, Inc.

1974    *Lewistown Topics: A Traffic Operations Improvement Plan for the Lewistown Urban Area*